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PAPERS

RELATING TO

FOREIGN AFFAIRS,

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TO THE

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CORRESPONDENCE.

MEXICO.

Mr. F. W. Seward to Mr. Campbell.

DEPARTMENT OF STATE,
Washington, May 21, 1866.

SIR: The President having nominated you, and the Senate confirmed your appointment, as envoy extraordinary and minister plenipotentiary of the United States to the republic of Mexico, I transmit herewith your commission in that character.

If you accept the commission you will be pleased to execute the enclosed oath as required by law, and return the same to this department. As it is desirable that you should proceed to your mission without any delay that can be avoided, the department would like to be informed when it will be convenient for you to start.

You will also inform the department of the State in which you were born, and of that of your residence when appointed.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

LEWIS D. CAMPBELL, Esq., *Washington, D. C.*

Mr. Campbell to Mr. Seward.

WASHINGTON, D. C., *May 23, 1866.*

SIR: I have the honor to acknowledge receipt of communication from F. W. Seward, esq., Acting Secretary of State, transmitting my commission as envoy extraordinary and minister plenipotentiary of the United States to the republic of Mexico, and to inform the Department of State that I accept the same. I enclose herewith the oath sent me, duly executed, &c.

I was born in the State of Ohio on the 9th day of August, 1811, and have always resided in that State. My present residence is in the city of Hamilton, Ohio.

I shall be ready to proceed to my mission on the first of July next, and sooner if the department desire it.

I am, sir, very truly, yours, &c.,

LEWIS D. CAMPBELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Vol. iii—1

Mr. Seward to Mr. Campbell.

[Extract.]

No. 1.]

DEPARTMENT OF STATE,

Washington, May 25, 1866.

SIR: The commission of envoy extraordinary and minister plenipotentiary of the United States near the government of the republic of Mexico having been accepted by you in your letter of the 23d instant, I transmit herewith your printed personal instructions in that character, a sealed letter accrediting you to his Excellency Don Benito Juarez, the President of the United Mexican States, the usual office copy of the same, and a special passport for yourself and suite.

* * * * *

You will please inform the department of the date of your departure from your residence, of that of your arrival at the seat of the government of the republic of Mexico, and of your entrance upon your duties there.

* * * * *

The department entertains the confidence that your intelligent and zealous attention to the interests of the United States, now confided to your care, will be eminently conducive to the harmony and friendly relations existing between the governments of the two countries.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS D. CAMPBELL, Esq., &c., &c.,
Washington, D. C.

Mr. Seward to Mr. Campbell.

No. 2.]

DEPARTMENT OF STATE,

Washington, October 2, 1866.

SIR: I transmit for your information a communication received at this department from Monterey, Mexico, signed by Mr. Joseph Ulrich, lately appointed consul of the United States to that city, in which is contained a petition of several citizens of the United States, merchants of Monterey, setting forth that the liberal authorities of Monterey had lately subjected them and other American citizens to forced loans, against which they ask the protection of this government. Mr. Ulrich also states that several citizens of the United States are held to service in the Mexican army against their inclination, whose respective terms of service have expired.

These causes will necessitate your early presence at your post; and you are therefore instructed to proceed to Mexico at as early an hour as convenient, where you will at once lend your attention to the proper investigation of the complaints contained in the enclosed documents.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS D. CAMPBELL, Esq., &c., &c., &c.,
Hamilton, Ohio.

Mr. Ulrich to Mr. Seward.

MONTEREY, MEXICO, *August 28, 1866.*

SIR: Enclosed is a statement of grievances from a portion of the citizens of the United States resident here. The reason for its not being more generally signed is, that some declined putting their names to it for fear of being compromised with the authorities; others were not asked to sign it, as it was feared by those who did, they would not be prudent

enough to keep the matter to themselves, and yet all suffer in common with the signers to the document, and all wish redress. This letter is written to explain the lack of more signatures, and, also, to show you how precarious our condition is when so much precaution is necessary in securing our rights, and that you may see how necessary it is for our interest that no publicity should be given to the document.

I would here urge on the department the necessity of having a consul here commissioned. As matters stand I cannot act, and there are now several cases requiring the attention of the government. Eight Americans—three white and five colored men—are held to service in the army; their time is expired, as they say, and they are held contrary to all law and justice, and in the absence of my commission as consul I am, of course, unable to aid them.

Hoping these matters will receive your attention, I am, yours, respectfully,

JOSEPH ULRICH.

Hon. WILLIAM H. SEWARD,
Secretary of State, United States.

Petition of American citizens.

SIR: We, the undersigned, citizens of the United States resident and doing business in the city of Monterey, Mexico, take this means of calling the attention of our government to our situation as regards "forced loans," (*prestamos*,) now being levied on us by the liberal authorities, for the purpose of raising money for their officials and soldiers, contrary to the stipulations of the treaty between the two countries, without any regular system of taxation, and merely subject, as to amount and frequency, to the will of the chief who may temporarily be in power. That these "*prestamos*" are, in almost every case, levied upon merchants alone, and thus fall inevitably on American residents, they, mostly, being in commercial business.

That Americans, in common with all foreigners, suffer severely, as, in every case, distinctions are made between the amounts required from the native or foreign merchants in the favor of the former. We would also represent that on a recent occasion, since the departure of the French from Matamoras, a loan was ordered from the commerce of that city, which afterwards was made exceptional as to Americans, owing to the pressure brought to bear from the American side of the Rio Grande, which furnishes conclusive evidence that where these people can be operated on by a direct application of the power of our government, they will respect our rights and their treaty obligations. In view of this and the fact of our distance from any body of the United States forces, we respectfully ask that some steps be taken by our government to save us from utter ruin, in the shape of a constant drain of our means, especially now, when we have every reason to look for constant changes among the leaders here, each one of whom, as usual, on entering upon his career, considers the mercantile portion of the community as the only proper subjects for his exactions. During the French occupancy, under a despotic tyranny which regarded the rights of no one, unrecognized as it was by our government, we had nothing to hope for, and submitted, but now, with the advent of the liberals, we are led to think that we can have at least the protection of our own government, having nothing to hope from any consideration these people will have for their treaty obligations, or gratitude for services or sympathy received from the United States, unless forced to do so, as in the instance recited above. So, we ask you to demand for us rights refused us as individuals; to do this, not by correspondence merely, as that will be of no avail, but by sending a special agent, a man of character and firmness, who can settle the matter at once and forever, and thus furnish a precedent here in Monterey which may be followed over the whole republic. The party sent must come with full powers to enforce his wishes, as, otherwise, his visit will be useless. These people will not listen to consuls or agents resident here, as they are well aware how little attention is paid to reports from such officials; but a special agent on the subject of "*prestamos*," (and all the better if his name is identified with our army,) will command their attention. We ask this, as we know it to be the only means of redressing these constant outrages, and we hope our government will think the matter of sufficient importance to receive attention, involving, as it does, the ruin of American citizens who are compelled by their business position to remain in this country, where their property is thus insecure, merely from the neglect on the part of their government heretofore to protect them. The absolute necessity of this protection will be evident, when we inform you that the penalty attached to a refusal to pay promptly these "*prestamos*" is confiscation of property, imprisonment, or banishment from the country. We have, therefore, no alternative, in the absence of a thorough understanding between the two governments, in relation to the matter, but to yield to their exactions, or to subject ourselves to the penalties above named.

D. D. BRAMARD.
CHARLES RUSSELL.
R. DRESEL.
JOSEPH ULRICH.
JAMES N. LANGSTROTH.
M. W. STARR, JR.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Seward to Mr. Campbell.

No. 3.]

DEPARTMENT OF STATE,

Washington, October 25, 1866.

SIR: You are aware that a friendly and explicit arrangement exists between this government and the Emperor of France to the effect that he will withdraw his expeditionary military forces from Mexico in three parts, the first of which shall leave Mexico in November next, the second in March next, and the third in November, 1867, and that upon the evacuation being thus completed, the French government will immediately come upon the ground of non-intervention in regard to Mexico which is held by the United States.

Doubts have been entertained and expressed in some quarters upon the question whether the French government will faithfully execute this agreement. No such doubts have been entertained by the President, who has had repeated and even recent assurances that the complete evacuation of Mexico by the French will be consummated at the periods mentioned, or earlier if compatible with climatical, military, and other conditions.

There are grounds for supposing that two incidental questions have already engaged the attention of the French government, namely:

First. Whether it should not advise the departure of the Prince Maximilian for Austria, to be made before the withdrawal of the French expedition.

Second. Whether it would not be consistent with the climatical, military, and other conditions before mentioned to withdraw the whole expeditionary force at once instead of retiring in three parts, and at different periods.

No formal communication, however, upon this subject has been made by the French Emperor to the government of the United States. When the subject has been incidentally mentioned, this department, by direction of the President, has replied that the United States await the execution of the agreement for evacuation by the French government at least according to its letter, while they would be gratified if that agreement could be executed with greater promptness and despatch than are stipulated.

Under these circumstances the President expects that within the next month (November) a portion, at least, of the French expeditionary forces will retire from Mexico, and thinks it not improbable that the whole expeditionary force may be withdrawn at or about the same time. Such an event cannot fail to produce a crisis of great political interest in the republic of Mexico. It is important that you be either within the territories of that republic, or in some other place near at hand, so as to assume the exercise of your functions as minister plenipotentiary of the United States to the republic of Mexico.

What may be the proceedings of the Prince Maximilian in the event of a partial or complete evacuation of Mexico, of course, cannot now be certainly foreseen. What may be the proceedings of Mr. Juarez, the President of the republic of Mexico, in the same event, cannot now be definitely anticipated.

We are aware of the existence of several political parties in Mexico other than those at the head of which are President Juarez and Prince Maximilian, who entertain conflicting views concerning the most expedient and proper mode of restoring peace, order, and civil government in that republic. We do not know what may be the proceedings of those parties in the event of the French evacuation.

Finally, it is impossible for us to foresee what may be the proceedings of the Mexican people in case of the happening of the events before alluded to. For these reasons it is impossible to give you specific directions for the conduct of your proceedings in the discharge of the high trust which the government of the United States has confided to you. Much must be left to your discretion, which is to be exercised according to the view you may take of political movements as

they shall disclose themselves in the future. There are, however, some principles which, as we think, may be safely laid down in regard to the policy which the government of the United States will expect you to pursue. The first of these is, that as a representative of the United States you are accredited to the republican government of Mexico, of which Mr. Juarez is President. Your communications as such representative will be made to him whosoever he may be, and in no event will you officially recognize either the Prince Maximilian, who claims to be emperor, or any other person, chief, or combination, as exercising the executive authority in Mexico, without having first reported to this department and received instructions from the President of the United States.

Secondly. Assuming that the French military and naval commanders shall be engaged in good faith in executing the agreement before mentioned for the evacuation of Mexico, the spirit of the engagement on our part in relation to that event will forbid the United States and their representative from obstructing or embarrassing the departure of the French.

Thirdly. What the government of the United States desires in regard to the future of Mexico is not the conquest of Mexico, or any part of it, or the aggrandizement of the United States by purchases of land or dominion, but, on the other hand, they desire to see the people of Mexico relieved from all foreign military intervention, to the end that they may resume the conduct of their own affairs under the existing republican government, or such other frame of government as, being left in the enjoyment of perfect liberty, they shall determine to adopt in the exercise of their own free will, by their own free act, without dictation from any foreign country, and, of course, without dictation from the United States.

It results as a consequence from these principles that you will enter into no stipulation with the French commanders, or with the Prince Maximilian, or with any other party, which shall have a tendency to counteract or oppose the administration of President Juarez, or to hinder or delay the restoration of the authority of the republic. On the other hand, it may possibly happen that the President of the republic of Mexico may desire the good offices of the United States, or even some effective proceedings on our part, to favor and advance the pacification of a country so long distracted by foreign invasion, combined with civil war, and thus gain time for the re-establishment of national authority upon principles consistent with a republican and domestic system of government; it is possible, moreover, that some disposition might be made of the land and naval forces of the United States, without interfering within the jurisdiction of Mexico, or violating the laws of neutrality, which would be useful in favoring the restoration of law, order, and republican government in that country.

You are authorized to confer upon this subject with the republican government of Mexico, and its agents, and also to confer informally, if you find it necessary, with any other parties or agents, should such an exceptional conference become absolutely necessary, but not otherwise. You will by these means obtain information which will be important to this government, and such information you will convey to this department, with your suggestions and advice as to any proceedings on our part which can be adopted in conformity with the principles I have before laid down.

You will be content with thus referring any important propositions on the subject of reorganization and restoration of the republican government in Mexico as may arise, to this department for the information of the President.

The General of the United States possesses already discretionary authority as to the location of the forces of the United States in the vicinity of Mexico. His military experience will enable him to advise you concerning such questions as may arise during the transition stage of Mexico from a military siege by a foreign enemy to a condition of practical self-government. At the same time it will be in his power, being near the scene of action, to issue any orders which

may be expedient or necessary for maintaining the obligations resting upon the United States in regard to proceedings upon the borders of Mexico. For these reasons he has been requested and instructed by the President to proceed with you to your destination, and act with you as an adviser recognized by this department in regard to the matters which have herein been discussed. After conferring with him you are at liberty to proceed to the city of Chihuahua, or to such other place in Mexico as may be the residence of President Juarez; or in your discretion you will proceed to any other place in Mexico, not held or occupied at the time of your arrival by enemies of the republic of Mexico, or you will stop at any place in the United States or elsewhere, near the frontier or coast of Mexico, and await there a time to enter any portion of Mexico which shall hereafter be in the occupation of the republican government of Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS D. CAMPBELL, Esq., &c., &c., &c.

The President to the Secretary of War.

EXECUTIVE MANSION,

Washington, D. C., October 26, 1866.

SIR: Recent advices indicate an early evacuation of Mexico by the French expeditionary forces, and that the time has arrived when our minister to Mexico should place himself in communication with that republic.

In furtherance of the objects of his mission, and as evidence of the earnest desire felt by the United States for the proper adjustment of the questions involved, I deem it of great importance that General Grant should, by his presence and advice, co-operate with our minister.

I have, therefore, to ask that you will request General Grant to proceed to some point on our Mexican frontier, most suitable and convenient for communication with our minister; or (if General Grant deems it best) to accompany him to his destination in Mexico, and to give him the aid of his advice in carrying out the instructions of the Secretary of State, a copy of which is herewith sent for the General's information.

General Grant will make report to the Secretary of War of such matters as, in his discretion ought to be communicated to the department.

Very respectfully yours,

ANDREW JOHNSON.

Hon. EDWIN M. STANTON,
Secretary of War.

The President to the Secretary of War.

EXECUTIVE MANSION,

Washington, D. C., October 30, 1866.

SIR: General Ulysses S. Grant having found it inconvenient to assume the duties specified in my letter to you of the 26th instant, you will please relieve him from the same, and assign them, in all respects, to William T. Sherman, Lieutenant General of the army of the United States. By way of guiding General Sherman in the performance of his duties, you will furnish him with a copy of your special orders to General Grant, made in compliance with my letter of the 26th instant, together with a copy of the instructions of the Secretary of State to Lewis D. Campbell, esq., therein mentioned. The Lieutenant General will proceed to the execution of his duties without delay.

Very respectfully yours,

ANDREW JOHNSON.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Campbell to Mr. Seward.

HAMILTON, OHIO, *November 2, 1866.*

DEAR SIR: After the hitch in regard to Mexican matters occasioned by the question raised by General Grant, I called at the department several times, and was informed that you were not in—absent on account of the illness of your much loved daughter. Of course I did not feel like obtruding myself on you under such circumstances.

When I left home to go to Washington, I parted with my family in much distress, because of the dangerous illness of Mrs. Campbell's mother, a very aged woman, and a member of my little family. On Sunday I received information calling me home, and had my trunk packed before receiving a verbal communication from you by Mr. Gutman. Since arriving here I have been confined, myself, by a severe attack, the result of exposure in travelling and overtaking my physical energies in the late political struggle. This much I write by way of explanation.

I am informed by General Sherman, now on his way to St. Louis, that he has been substituted for General Grant in the matter of the Mexican mission, and that in a few days he will join me to proceed to New York. Of course, I must go by Washington to receive my final instructions.

I have not yet had my secretary of legation appointed, and one principal object of this letter is to ask, or at least recommend, that Edward L. Plumb, esq., of New York, be appointed.

He has been strongly recommended to me by many gentlemen of high character and influence; among others, Mr. Hunter, of your department, spoke of him as a man eminently qualified. From my intercourse with him I am satisfied he is a gentleman. He speaks and writes the French and Spanish languages well, and seems thoroughly informed in regard to Mexican matters. I am satisfied that he would fill the position with satisfaction to the government. If, therefore, there be no serious objection to him, I hope the appointment will be conferred on him. It is proper to say, too, that I have written to the President on the subject.

Mr. Plumb is now in Washington, and if he is to be the secretary, he might be informed of the fact in advance of my arrival, thereby avoiding any unnecessary delay on that account.

I expect Lieutenant General Sherman to join me so soon as he can go to St. Louis, arrange his matters, and return to Cincinnati. I shall be in readiness by the time he makes his trip, and will proceed at once to Washington.

In haste, very truly yours, &c.,

LEWIS D. CAMPBELL.

Hon. WILLIAM H SEWARD,
Secretary of State, Washington, D. C.

Mr. Campbell to Mr. Seward.

OFFICE U. S. MILITARY TELEGRAPH,
War Department, November 3, 1866.

[From Hamilton, Ohio, November 3, 1866.]

To the Secretary of State:

I will start with General Sherman on his return here from St. Louis. Shall I proceed directly to New York, or report myself first to you at Washington?

LEWIS D. CAMPBELL.

Mr. Campbell to the President.

[Telegram.]

UNITED STATES MILITARY TELEGRAPH, WAR DEPARTMENT.

HAMILTON, OHIO, November 5, 1866.

To the President of the United States and Secretary of State:

I shall start for New York with General Sherman, unless directed to go by Washington to-day.

LEWIS D. CAMPBELL.

Mr. Campbell to Mr. Seward.

[Telegram.]

OFFICE U. S. MILITARY TELEGRAPH, WAR DEPARTMENT.

[From New York, November 9, 1866.]

Hon. W. H. SEWARD, *Secretary of State:*

Arrived with General Sherman last evening; have received instructions sent here by mail, and by Plumb. I find in them no instructions as to how I am to proceed to Mexico, nor any orders placing any vessel at my disposal.

LEWIS D. CAMPBELL,
Metropolitan Hotel.

Mr. Seward to Mr. Campbell.

[By military telegraph.]

DEPARTMENT OF STATE,

Washington, November 9, 1866.

LEWIS D. CAMPBELL,

Minister to Mexico, Metropolitan Hotel, New York:

Your telegram of this morning has been received. The United States steamer *Susquehanna*, Commodore James Alden, has been ordered by the Secretary of the Navy to take you, General Sherman, and your respective suites, and also Mr. Plumb, to any place in or near Mexico which you may designate. The vessel is ready and at your immediate disposal.

WILLIAM H. SEWARD

Mr. Plumb to Mr. Seward.

NEW YORK, November 10, 1866.

SIR: I have the honor to acknowledge the receipt of your personal instructions of the 7th instant, accompanied by my commission and passport as secretary of legation to the republic of Mexico.

The Hon. Lewis D. Campbell, minister to Mexico, and Lieutenant General Sherman arrived in this city late on the 8th instant. I reported that night to the minister, and, as at present advised, our departure for Mexico on board the steamer *Susquehanna* will take place at 2 p. m. to-day.

I am, sir, with the highest respect, your most obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Campbell to Mr. Seward.

No. 1.]

UNITED STATES STEAMSHIP SUSQUEHANNA,

Havana, November 19, 1866.

SIR: I have the honor to advise you that I left my home in Ohio on the 7th instant for New York, in company with Lieutenant General Sherman, and arrived there late in the night of the 8th. The next morning I received through the post office your printed instructions of the 25th ultimo; also a duplicate copy of the same by the hands of Mr. Plumb, the secretary of legation. In the afternoon of the same day I received your telegram informing me that the United States steamer *Susquehanna* had been ordered to take Lieutenant General Sherman and myself, with our suites and the secretary of legation, to Mexico.

It is proper to add that shortly before the receipt of your telegram Commodore Alden called on me and communicated the same information.

We embarked on the *Susquehanna* on the 10th, and arrived here on the 18th. Not having touched at any point since we left New York, we have been subjected to no delay, except for an hour or two off Cape Hatteras on the 13th instant, where, during a gale, Commodore Alden, finding the steamship *King Fisher* from Baltimore, bound for Charleston, in a sinking condition and abandoned, saved the lives of twenty-three persons of her crew who were in imminent peril, under circumstances of great difficulty—a humane achievement most gratifying to us, and highly creditable to the commodore and officers of this ship.

Should I succeed in obtaining information of any interest here in regard to Mexican affairs, I will make it the subject of another communication before leaving this port.

I am, sir, your obedient servant,

LEWIS D. CAMPBELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Campbell to Mr. Seward.

[Confidential.]

No. 2.]

UNITED STATES STEAMER SUSQUEHANNA,

Havana, November 21, 1866.

Although the facts I am about to relate may, in themselves, be of little importance, in connection with other information they may have a tendency to throw some further light upon the present situation of affairs in Mexico. I therefore deem it proper to communicate them.

The day after my arrival in this port I was informed by Mr. Miner, our consul general here, that an interview with me was desired by General Magruder, late of the so-called confederate army, who, after a residence of many months in Mexico, had arrived here on the 17th instant, directly from the city of Mexico and Vera Cruz. Mr. Miner also stated that he had reason to believe that General Magruder might be able to communicate to me some information of value.

I did not deem it proper to call upon General Magruder in any capacity, or to seek any information from him, yet believed that if any information was voluntarily tendered it became my duty to receive it, from whatever quarter it might come. On yesterday, casually meeting General Magruder at the United States consulate, he requested an interview with me, which I granted, and a lengthy conversation at once took place, relating mainly to the situation of affairs in Mexico. The substance of the information imparted by him is as follows:

He left the city of Mexico about the first of November, prior to which date

Maximilian had already left the city and proceeded to Orizaba. It was the general understanding that he had abdicated, or at least had in some measure turned over the government to Marshal Bazaine. Being about to leave the city of Mexico for Washington, leaving his family behind in Mexico, General Magruder called on Marshal Bazaine with a view of ascertaining the true situation of affairs, for the purpose of such provisional arrangements for them and their safety as might be necessary.

During the interview, General Magruder said to Marshal Bazaine, "I presume, in the event of the abdication of Maximilian, your excellency will be the government?" To which he replied, "If such should be the case, I shall only occupy the position for transient purposes."

The following day General Magruder left the city of Mexico for Vera Cruz, Maximilian then being at Orizaba. He observed, on the road down, that the French were strongly fortifying various points, and especially at Puebla, Orizaba, and the passes below, but he was impressed with the belief that these works were rather designed for the safe withdrawal of the French troops than for the continued occupation of the country by them. On his arrival at Vera Cruz he learned, from reliable authority, that Maximilian was about to take his departure, but had temporarily delayed doing so in consequence of the arrival in that city of Miramon and Marquez, the old leaders of the reactionary party.

On the 13th instant General Magruder was informed by the second captain of the Austrian frigate then lying in the harbor of Vera Cruz that that vessel was to take out Maximilian, and that their departure had only been delayed in consequence of the arrival of Miramon and Marquez, but that Maximilian would certainly leave within ten days, which would be prior to the 23d instant.

General Magruder further informed me that, at the close of his interview with Marshal Bazaine, when he was about to bid him adieu, the marshal said to him, "You are about to visit the United States, general?" Reply: "Yes." "You will see the President?" Reply: "I probably shall." "If you do," said Marshal Bazaine, "deliver him this verbal message from me:

"The moral influence wielded by the government of the United States has destroyed this empire. Upon it, therefore, rests the obligation to see that some government be established and sustained here that shall secure the protection of life and proper, and the tranquillity of this people. This, in my judgment, can only be done by furnishing physical aid. The interests of foreigners in this country cannot be left without some protection. Of non-combatants engaged in peaceful pursuits, the larger proportion of whom are French subjects, there are at least thirty thousand; there should be an armed force, properly distributed in the country, temporarily at least, to assist the government that may be established in preserving order and enforcing its decrees. Ten or fifteen thousand United States troops, properly distributed in the northern States, and a similar number of French troops in the southern States, co-operating with each other, could accomplish this."

I cannot say that I have given the precise words of General Magruder, as the conversation was somewhat desultory, but I have given the substance, so far as relates to material points. I inquired particularly of General Magruder whether he understood from Marshal Bazaine that the French government would desire to furnish any portion of the French troops, or only in the contingency that the United States should decline to do so. General Magruder replied promptly that his understanding was, that the French government would expect to provide a portion of the troops only in the event that the United States desired it, or declined furnishing the necessary forces.

I then inquired whether he communicated these facts to me, for my own information merely, or whether I had his authority to communicate the same to the Secretary of State. His reply was to this effect: "When I left Mexico I

expected to proceed at once to Washington, and communicate these facts to the government in person, but, on arriving here, I learn that, in consequence of the death of Mr. John Van Buren, one of my attorneys, and other causes, I may be delayed for some time in this city. Regarding this information as of importance, I have sought this interview with you, as the envoy of the United States to Mexico, believing that, by communicating it to you, I am accomplishing, practically, as nearly as circumstances will permit, the promise I made to Marshal Bazaine to deliver his verbal message to the President. You are, therefore, at full liberty to make such use of it as you may deem proper."

The foregoing, so far as my recollection serves me, embraces all the essential points of the interview which I thought it proper to accord to General Magruder, in compliance with his request communicated to me by Mr. Miner. From his manner, and the general tenor of his conversation, the impression was left upon my mind that he was sincere, and that he desired in good faith to serve the interests of the government in communicating what he did.

I am, sir, very respectfully, your most obedient servant,

LEWIS D. CAMPBELL.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Campbell to Mr. Seward.

No. 3.]

UNITED STATES STEAMER SUSQUEHANNA,
Havana, November 23, 1866.

SIR: The haste of my departure from New York rendered it impossible for me to confer, as it seemed necessary I should, with our consuls to Vera Cruz and the city of Mexico, with reference to the arrangement of some plan by which they could promptly and reliably communicate to me such information as it will be necessary for me to have on arriving upon the coast of Mexico, as to the situation of affairs in the interior.

On reaching here, and finding that the steamer Manhattan, upon which these gentlemen had embarked at New York, had not yet arrived at this port, I thought it proper and desirable to delay here at least until their arrival, in order to confer more fully with them.

The Manhattan reached here on the afternoon of the 19th, and on the 20th I had a full conversation with both Mr. Lane and Mr. Otterbourg, and arranged a system by which they will collect and transmit to me such information as may tend to expedite my efforts to communicate speedily with President Juarez. On the morning of the 21st these gentlemen proceeded to their destination and will probably reach Vera Cruz on the 25th instant.

The steamer on which they go will carry to Vera Cruz the first information of the departure of the mission from the United States, and the lapse of a few days will therefore enable its effect to be felt and information to be collected prior to our arrival, and also to enable Mr. Otterbourg to reach the city of Mexico and communicate with me from there.

From information already communicated to you in my despatch of the 21st, and as derived from other sources, it appears probable that Maximilian will have left the country on or about the 23d instant. On the 22d, also, a steamer will leave Vera Cruz for this port, reaching here about the 27th, and thus bringing information to a very late date. I have therefore thought that a delay here of a few days might be of advantage in throwing light upon the proper course to be pursued, and also, perhaps, in enabling action to be taken on arriving at Vera Cruz without unnecessary delay, which otherwise might be experienced in waiting information from Mr. Otterbourg after his arrival at his post. This course

seems to me the more necessary for the reason that under the discretion thrown upon me by your instructions I desire to act with great caution in every step that I may take. As at present advised, the so-called imperial authorities still hold possession of the port of Vera Cruz.

Your instructions do not authorize me to proceed to any place in Mexico "held or occupied at the time of your (my) arrival by enemies of the republic of Mexico."

My present impression is that at the proper time we will decide to sail for Vera Cruz, but to anchor at Green island or Sacrificios, outside the harbor proper, for the purpose of receiving from our consul, Mr. Lane, any information he may have to communicate or that may be received through him from Mr. Otterbourg, or from other sources. This may also afford an opportunity to confer with "the republican government and its agents," if there be such there, and also to "confer informally with any other parties or agents," should it become necessary to do so.

I am, sir, very respectfully, your obedient servant,

LEWIS D. CAMPBELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 4.]

Mr. Seward to Mr. Campbell.

DEPARTMENT OF STATE,

Washington, November 23, 1866.

SIR: I give you a copy of a despatch* which has just been received from Mr. Bigelow, from which you will learn, as we have learned with surprise, that the French government has postponed its stipulated withdrawal of the detachment from Mexico in November, with the purpose, as is avowed, of withdrawing the whole of the forces at once some time next spring. I give you also a copy of my reply* thereto, announcing that this resolution of the French government is unsatisfactory to the President. The same paper will inform you that the President does not think it necessary or advisable to modify your instructions. We are not without confidence in anticipating a satisfactory resolution upon the subject from France.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS D. CAMPBELL, Esq., &c., &c., &c.

Mr. Campbell to Mr. Seward.

No. 4.]

UNITED STATES STEAMER SUSQUEHANNA, AT ANCHOR

OFF VERDE ISLAND, OUTSIDE PORT OF VERA CRUZ,

December 1, 1866.

SIR: I have the honor to report my arrival at this anchorage on the 29th ultimo, having left Havana on the afternoon of the 25th.

Mr. Lane, our consul at this port, was on board with me here during the day, yesterday. From him, and from other sources, I have gained the following information as to the state of affairs at this point, and, so far as is known here, with regard to the interior.

* For enclosure see Mr. Bigelow's despatch No. 384, and the department's reply thereto, No. 550.

Maximilian is still at Orizaba. His ministers, it is stated, are now there with him. He has not been in the city of Mexico since his departure from that place the last of October. It is generally understood that the functions of government in the city of Mexico are in the hands of Marshal Bazaine.

At Orizaba, and at this port, the civil power appears, however, still to be exercised by so-called Maximilian authorities. Between these and the French there is evidently some disagreement, particularly with reference to the possession of the custom-house of this port.

No French troops, so far as I can learn, were embarked at this port during the month of November, nor for some time previous. There are but one or two transport vessels now here, and nothing transpiring that is obvious here that indicates any preparation for the immediate withdrawal of any part of the French forces. It is said that they are being withdrawn from the interior, and concentrated on the line from the city of Mexico to this port. From a French source, I learn that the number of their troops now in this country is twenty-eight thousand.

It is reported that Miramon and Marquez are with Maximilian at Orizaba, and that the government may be turned over to them as the representatives of the reactionary party.

I am unable to obtain here any definite information as to the movements of President Juarez, but it seems to be the general impression that he is now in the neighborhood of the city of San Luis Potosi. The French forces have been withdrawn from that point, and there remained in that vicinity but a small Maximilian force, which, it is believed, can interpose but little obstacle to the occupation of that place by the forces of President Juarez.

The harbor of Vera Cruz being in full and complete possession of the enemies of the republic of Mexico, I did not deem it proper, acting under your instructions, to land here.

The French expeditionary forces having been concentrated on the line from the city to Mexico, it appears to me that this route is the very last that I should adopt in seeking to establish communication with President Juarez. I should not feel authorized to accept, even if tendered to me, the good offices of those who are and have been for years in the attitude of enemies of the republic, in seeking to reach its President.

I expect to receive positive information from our consul at Tampico, Mr. Chase, as to the situation at that point, by the English steamer, which will be due from that port to-morrow. From all the information I can gather here, that port and the line thence to San Luis Potosi are in the undisturbed possession of the liberals.

From my present information, therefore, it appears that there is no other point on the coast from whence I can more speedily open communication with President Juarez than Tampico, and unless some important fact is developed here within a delay of a few days, changing the aspect of affairs, I shall proceed at once to that port and make an effort to reach the government of the republic at San Luis Potosi, or some other point in the interior in that direction.

My anxiety to open communication with President Juarez as speedily as possible is enhanced by the fact that the condition of affairs may be such as may require some action on the part of Congress during its short session, and early and reliable information, therefore, cannot but be regarded as important by the department.

I am, sir, very respectfully, your most obedient servant,

LEWIS D. CAMPBELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Campbell to Mr. Seward.

No. 5.] UNITED STATES STEAMER SUSQUEHANNA,
Isla Verde, off Vera Cruz, December 1, 1866.

SIR: I had just finished my despatch No. 3 to you, of this date, when a boat came off to our consul, Mr. Lane, who is still on board, bringing the enclosed proclamation published this morning in Vera Cruz, which I have only time to send you without translation by this mail.

From its tenor it appears that Maximilian has decided to remain in the country.

A note from the officer of the consulate to Mr. Lane states that Maximilian left Orizaba, it is supposed for the city of Mexico, last night.

I am, sir, very respectfully, your obedient servant,

LEWIS D. CAMPBELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Long live the empire!—Long live the emperor!

VERA CRUZANS: One of the most grateful events for good Mexicans has just occurred to the nation. His majesty the emperor, who has made so many sacrifices for the welfare and happiness of our dear country, has given the best proof of the interest he takes in it.

When overwhelmed by the natural feelings which were still contending and still are so in his mind in consequence of the ill-health of his august and noble spouse, our beloved sovereign, he thought for a moment that he ought temporarily to abandon the country, to devote himself to fulfilling the sacred duty of offering to his worthy consort the care she so much needs in the delicate condition in which she is, the emperor sacrifices himself for us, postpones his duties as a man to those which his honor points out to him to be controlling, and, in these critical moments, that the country may pass safely through, he solemnly declares that he will continue at the helm, and will contest without intermission until the last drop of his blood be shed in defence of the nation.

Vera Cruzans! Let us rejoice; let us give thanks to Providence for having saved the integrity of our territory, and with full outpouring of our hearts let us hail the day of the resurrection of our nationality on the eve of its disappearing.

VERA CRUZ, December 1, 1866.

Mr. Seward to Mr. Campbell.

No. 7.] DEPARTMENT OF STATE,
Washington, December 6, 1866.

SIR: I transmit for your information a copy of a telegram* of the 3d instant from Mr. Bigelow, at Paris, giving the substance of a note to him from the French minister of foreign affairs in regard to the military occupation of Mexico. From this it appears that the French troops will be withdrawn altogether from Mexico in March next. It does not seem necessary to modify the instructions heretofore sent to you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

LEWIS D. CAMPBELL, Esq., &c., &c., &c.

* For enclosure see correspondence with France.

CORRESPONDENCE WITH THE MEXICAN LEGATION.

Mr. Romero to Mr. Seward.

[Translation.]

WASHINGTON, December 7, 1865.

MY DEAR SIR: I have the honor of transmitting to you an extract from the *Messenger Franco-American*, of the 4th instant, a French paper published in New York, which contains a letter from its correspondent in the city of Mexico, dated 17th November last, giving a summary of the situation. The circumstance that this correspondent views the occurrences in my country from a French point of view, and that even thus it appears that the situation is untenable, induces me to send you the letter and call your especial attention to it. I will send an English translation of it in a few days for the use of your department.

I am, sir, very respectfully, your very obedient servant,

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

[From the New York *Messenger Franco-American* of December 4, 1865.]

[Translation.]

(Special correspondence of the Messenger.)

MEXICO, November 17, 1865.

If we may rely on a letter addressed by the emperor Maximilian to his minister of state—of which I transmit to you a copy—we may consider the administrative, judicial, and financial organization of the empire as now perfected. Nothing more remains but to carry into effect the measures elaborated for the purpose by the government, and to await their results, which “cannot but be excellent,” according to the imperialist journals. We are informed, for instance, that the question of the civil list is settled; that the administration of justice is entirely remodelled; that the financial system is definitely established. Nevertheless, the laws relative to these important questions are yet unpublished. This official journal daily publishes decrees relative to the etiquette of the court, to the rank of the various functionaries, to the duties of the ministers towards the sovereign, but hitherto we know nothing whatever of subjects of general interest. Let us hope that the work of perfection will be soon completed, for people are waiting with some impatience for the publication of the new decrees. They are eager to learn in what way Maximilian has cut the thousand Gordian knots that thus far have never ceased to fetter the progress of his administration.

If the work of the civil organization of the empire is complete in the eyes of Maximilian, I doubt whether that of the pacification is equally so. In fact, so far as military affairs are concerned, the situation is the same that it has been for the last six months. On every side the *Juarists* show themselves with their usual boldness. It is in vain that the imperialist soldiers multiply themselves by their prodigies of activity; they cannot at once occupy all parts of a territory so vast as that of Mexico. Their duty is limited by necessity to bear the flag of the empire into each district in succession. After they have planted it there, they can do no more than leave it there, under the guard of the inhabitants themselves; and I need not tell you whether they guard it well or ill. Generally the few individuals of the clerical and reactionary party, who have received with acclamation the imperialists on their arrival, are compelled to quit the country, after the departure of the troops, in order to escape from popular vengeance. Thence ensue deceptions and sufferings innumerable. Thus, I learn in a letter from Mazatlan, (Sinaloa,) under date of the 31st October:

“General Aymard has started for Durango, with 2,200 men and 1,200 baggage mules. This departure has caused a real consternation here among the imperialists. As a first consequence, La Noria, that interesting town, whose influential inhabitants and clergy have given so many proofs of devotedness to the new order of things, has been abandoned, as well by the battalion of *chasseurs à pied* who composed its garrison, as by all such persons as compromised themselves by favoring the empire. The chief men of property, rather than remain exposed to uncertainty, have followed the camp of General Aymard in the capacity of muleteers.”

Letters from Monterey, under date of October 20, contain the same language. This city was evacuated by General Jeanningros, who took up his route of march towards Saltillo. A Mexican garrison, under the command of Colonel Tinajero, replaced the French garrison. The partisans of the empire showed themselves very much disturbed and almost desperate

at this change, of the consequences of which they appeared to have a most lively apprehension. Many among them have converted all their possessions into money at any price, not wishing to remain in a city which "the red pantaloons have ceased to protect." I understand this sentiment, which is a remarkable testimony of the confidence inspired by the French bayonets. But should we not ask how it is that, after seventeen months' existence which the actual order of things now counts, the *adhesion* of such or such a region of the empire is considered by the imperialists as inseparable from the presence of French uniforms?

The military authorities have had recourse, as I lately wrote to you, to the disarming *en masse* of certain districts, in order to compel their submission. But to give you an idea of the fears inspired by the hostile dispositions of the people in general, permit me to cite to you some articles of an order of Marshal Bazaine, dated October 24:

"ARTICLE 1. In all districts subject to the empire there will be a certain number of licensed armors, or, in default of them, of merchants designated by the military authorities of the post, to whom shall be granted the right of keeping guns, caps, and powder.

"ART. 2. These merchants shall keep a register, in which shall be inscribed all receipts of arms and disbursements of the same from the store, in order to facilitate the surveillance which should be kept over sales.

"ART. 3. They must not sell any arms, unless the purchaser is provided with a permit to that effect. In this case, they will insert in their register the name, the profession, and the residence of the purchaser, as also the date of sale. Permits will be given from the office of the sub-prefect, and will be available only after being countersigned by the commander of the post.

"ART. 6. The pan-covers must always be separated from the arms, as also the barrels, and deposited in a place known only to the armorer and the commandant of the post.

"ART. 7. Neither arms nor caps are to be sold as articles of trade. Guns, muskets, and percussion carbines, or such to which bayonets can be attached, are not to be permitted to leave the armorer's house without special authorization.

"ART. 12. The country not being yet completely pacified, permits to carry arms given by the civil prefects and municipal magistrates will not be valid unless countersigned by the military authorities, who will take note of them."

Summary executions of Juarists, captured in arms, continue on every side. I spare you the details of them. It is evident, however, that the hour of retaliation is nigh, and that the republican authorities will shoot and hang in their turn. We pity the unfortunate soldiers, who cannot help it, and who will be the first victims of the imperial proclamation.

The announcement of another victory, gained by General Mendez over the forces of Ronda, in Michoacan, does not seem to be confirmed. According to all appearances, they have given to a partial engagement the proportions of a general battle. All the circumstances induce us to believe, however, that Ronda and Riva Palacios have succeeded in reaching Zitacuaro, in spite of the pursuit of which they were the object. If such be the case, military operations in Michoacan must come to a pause; for Mendez, with his soldiers, exhausted by twenty days of forced marching, cannot be in a condition to follow the liberals and attack them in their mountains.

This is nearly all that I will say to you in reference to military affairs; for I would tire your readers by detailing to them the account of the battles that are fought almost every day in different parts of the country. Moreover, I have some facts of great importance wherewith to entertain you. And, in the first place, have they mentioned in the New York papers the resignation in a body of the officers of the Belgian legion? No sheet in Mexico has breathed a word of it, although the fact is authentic. I have learned it by a letter from Morelia, which gives me the following details:

"You know that, after the departure of Colonel De Portier, Lieutenant Colonel Van der Smissen was invested with the military government of the province of Morelia. The brilliant victory of the Loma, on the 16th of July, it would seem, should have confirmed M. Van der Smissen in this command. It was the very contrary that took place. M. Van der Smissen has been superseded by the Mexican Colonel Mendez, who up to that time had served under the orders of the commander of the Belgian corps, especially in the affair of the 16th of July.

"This measure, it may easily be conceived, occasioned the most serious discontent in the Belgian corps, and its immediate result was the resignation of Lieutenant Colonel Van der Smissen, followed by that of all the officers of the Belgian corps."

The resolution of the Belgian officers seems to have occasioned great embarrassment to the imperial government. This latter hesitated and deliberated long enough, and finally refused to accept the tendered resignations. It is believed that it is the intention to send the Belgian corps as far away from the capital as possible, under pretext of pacifying one or other of the departments of the north.

There is another serious fact, the narrative of which I borrowed from the *Ferro-Carril* of Orizaba, and which requires no comment. It is this:

"The rumor has been current for some days past that the individual named G. Finck, resident for about thirty years at Potrero, where he possesses a beautiful coffee plantation, has been shot at Paso del Macho, having been convicted of complicity with the bands of robbers who infest the roads below Orizaba. This man Finck exercised at Potrero the functions of Prussian consular agent.

"Further inquiries, made in the best informed quarters, inform us that the accused is confined in the fortress of San Juan de Ulloa, where his trial is to take place before the court-martial sitting at Vera Cruz, conformably to a decree of the 3d October just passed. Grave charges are brought against him—at least if we may judge from the current rumors."

The fear of a complication with Prussia, I must acknowledge, causes very little thought outside of official circles; but less indifference is manifested in regard to a new affront offered by the imperialist authorities to the press. The *Exhalacion* of Guadalajara has been the object of a summary and unusual measure. Without the reception of any preliminary warning whatever, it was peremptorily enjoined to cease its publication by an order from the office of the prefect. The occasion for this act of rigor, entirely beyond the limits of legal authority, was an article published by that journal in its issue of the 25th of October, and containing political reflections on the course of the imperial policy. I have read this article, and while remarking in it some passages calculated to draw the attention of the authorities, I must confess that I cannot understand the reason of the exceptional severity which it has provoked. Even admitting it overleaped the limits which the government has thought proper to appoint for discussion, the law of the 10th of April has provided for the case, and appointed regular penalties, to which the authorities might have restricted themselves without inconvenience. The condition in which the press is placed is already hard enough, not to aggravate it any further. Are they right, then, who affirm that the empire is nothing but the triumph of arbitrary power?

What shall I tell you of interest in the way of court news? The whole may be briefly summed up thus: The empress departed on the 6th for Yucatan, and her absence has left a great void at the palace of Chapultepec. She was to reach Vera Cruz on the 13th or 14th.

NOPAL.

[Translation.]

ALCAZAR OF CHAPULTEPEC, November 1, 1865.

MY DEAR MINISTER OF STATE: After assiduous labor and a mature examination of long days' duration we have at last ended, and I send you with this letter all the decrees, laws, and by-laws concerning the provisory organic statute promulgated by us the first day of the first anniversary of our reign. The political, judiciary, and administrative organization of our country is thus almost completed.

In the administration of justice, the particular object of our solicitude, some important work will be found wanting. The difficulties attending upon such a subject, and the lamentable state in which we have found this branch of our institutions, are the cause of this deficiency. The administration of finances is also to be completed. Finally, the regulation upon professional instruction we, however, adjourned until we select the competent men who are to participate in its application and development.

My desire was to get through the organization two months after the promulgation of the statute. This being impossible, I have postponed to a later date the glorious anniversary of our independence. But your colleagues and yourself having represented to me that it was impossible to finish in so brief a time a work of such importance, I have been compelled to put it off until to-day.

Many a month has elapsed. This time will not, however, be lost if, as I hope and recommend, my cabinet executes and causes the law and regulations we issue to-day to be executed.

I acknowledge myself that numerous modifications are to be made in the way we publish to-day. Experience and study will cause us to reach possible perfection. With these views we have prescribed to all authorities to send us in the course of the year the observations suggested by practice.

You will see that the president of the council of state appoints three commissions to study carefully the rules of administrative right adopted by the most advanced nations, their financial and judiciary system, in order to adapt these rules to what has been established among us, and to calculate what innovations it is proper for us to adopt, in order to perfect the dispositions of the statute.

We have, at last, reached the end of the period of legislative elaboration in which you have been exclusively engaged as well as your colleagues. From this day will begin in its fulness the period of government based upon this organization.

MAXIMILIAN.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION OF THE UNITED STATES OF AMERICA,
Washington, December 8, 1865.

MR. SECRETARY: I have the honor of transmitting to you, for the information of the government of the United States, the copy of a note dated 9th Nov.—

vember last, at El Paso del Norte, from Mr. Lerdo de Tejada, minister of foreign affairs of the constitutional government of the Mexican republic, enclosing two decrees, issued the previous day by the President of that republic, and the circular of the minister of foreign affairs accompanying them, of which documents I also send a copy.

The constitution of the Mexican republic provides that the presidential term shall be four years. The fourth year of the term of the present President ended on the 30th day of November last.

President Juarez's recognized and proverbial respect for laws made many friends of Mexican independence fear that when that day arrived he would declare his presidency at an end, and deliver the supreme power of the republic to the president of the supreme court of justice, who performs the duties of vice-president in that republic, as the French invasion had prevented the election of a new president; while the enemies of Mexico wanted him to do it, thinking it would contribute greatly to their success; at least, because it would rid them of one of the strongest defenders of the independence of Mexico.

But the President did not wish to destroy the government of Mexico by conforming to a provision not comprehended in the present case. For a long time he had been receiving invitations from many of the most eminent patriots to act as he has done. In making this declaration the government only expressed the national will, and it is certain that the acquiescence of the Mexican people will confirm this resolution, made for the sole purpose of effecting a more perfect defence of national independence. The powers of President Juarez to issue such a declaration are amply sufficient, as you will perceive in the decrees of the Mexican congress, of which I transmit you copies.

I embrace this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

Mr. Lerdo to Mr. Romero.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, AMERICAN SECTION—NO. 391.

PASO DEL NORTE, November 9, 1865.

I send you a copy of the official paper of to-day, containing two decrees issued by the citizen President of the republic yesterday, through this department, together with a circular explaining them.

One of the decrees relates to the prolongation of the functions of the citizen President of the republic while the war prevents a constitutional election; and the other refers to the responsibilities of the citizen General Jesus G. Ortega, for having abandoned the office of president of the court of justice, and for the offence of deserting the flag of his country during war, and remaining abroad without leave of absence or commission from the government.

The object of these decrees is explained in the circular.

I protest my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington, D. C.*

No. 2.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, maketh known:

In accordance with the ample faculties conferred upon me by the national congress, by its decrees of December 11, 1861, May 3, 1862, and October 27, 1862, and May 27, 1863, and in consideration—

1. That in articles 78, 79, 80, and 82 of the federal constitution, the only ones which treat of the period of the functions of the President of the republic, and of the mode of supplying his place, the case only was anticipated of the possibility of holding a new election for President; and the actual fact of none being held, without any provision for the case of a war like the present one, in which, while the enemy occupies a great part of the national territory, it is impossible that general elections should be held at the ordinary stated times assigned for them;

2. That in those articles of the constitution, in order to supply a vacancy of the place of President of the republic, provision is made for intrusting the executive power to the president of the supreme court of justice, but only temporarily, in this one case that was anticipated, that a new election might as soon as possible be held;

3. That as it is impossible now to have an election, on account of the war, the fact that the president of the supreme court of justice should enter upon the duties of the government for an indefinite period would imply a prolongation and extension of his powers beyond the literal prescriptions of the constitution;

4. That, by the supreme law of the necessity of the preservation of the government, the continuance, in the present case, of the powers of the President, and of his substitute, is the most conformable to the constitution; because, in order to avoid the danger of leaving the government without a head, it was established that there should be two functionaries, of whom one could supply the place of the other; and because, conformably to the votes of the people, the President of the republic was elected primarily and directly to exercise the functions of government, while the president of the supreme court was elected primarily and directly to exercise judicial functions, the executive power being intrusted to him only secondarily and provisionally, in case of absolute necessity;

5. And considering that, as the present case has not been provided for in the constitution, the right of declaring what is most conformable to its spirit and prescriptions belongs exclusively to the legislative authority, which, by the law of the 11th of December, 1861, confirmed by other repeated votes of confidence of the national congress, was delegated to the President of the republic, in order that, without being subject to ordinary constitutional rules, he might be invested with plenary power to make whatever regulations he might judge convenient under the present circumstances, without other restrictions than those of saving the independence and the integrity of the national territory, the form of government established by the constitution, and the principles and laws of reform—

I have thought proper to decree as follows:

ART. 1. In the present state of war, the functions of the President of the republic ought to be, and they are hereby, continued for the time that may be necessary beyond the ordinary constitutional period, until the government can be transferred to the new President that may be elected, as soon as the condition of the war may permit an election to be constitutionally held.

ART. 2. Similarly, the powers of the person who holds the position of president of the supreme court of justice should be, and they are hereby, continued for the time necessary beyond the ordinary period, in order that, in case the President of the republic should fail, he may be able to take his place.

Wherefore it is ordered that the decree be printed, published, circulated, and have due faith given to it.

Given at Paso del Norte, on the eighth day of November, one thousand eight hundred and sixty-five.

BENITO JUAREZ.

SEBASTIAN LERDO TEJADA,

Minister of Foreign Affairs and of Government.

I communicate the same to you for your information, and that it may have due effect. Independence and liberty! Paso del Norte, November 8, 1865.

LERDO DE TEJADA.

The GOVERNOR of the State of ———.

No. 3.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, maketh known:

In accordance with the ample faculties conferred on me by the national congress, by the decrees of December 11, 1861, May 3, and October 27, 1862, and May 27, 1863, and in consideration—

1. That General Jesus G. Ortega, in July of the year 1863, preferred to undertake the duties of governor of the State of Zacatecas, resigning at the same time the position of constitutional president of the supreme court of justice;

2. That on this account, following the examples of congress, which, on occasion of a vacancy in the office of constitutional president of the court, had once provisionally appointed a president of the court, the government resolved at the city of Chihuahua, under date of November 30, 1864, and declared, as far as was necessary, that General Ortega continued to hold the position of president of the court of justice;

3. That the purpose literally expressed in that resolution was to avoid the danger of leaving the government without a head, by giving to General Ortega a certain and recognized title, in order, if the presidency of the republic became vacant, he might forthwith succeed to the position;

4. That, as it was not in opposition to this purpose, inasmuch as it could be attended to in any part of the republic, the government, on the 30th day of December, 1864, granted to General Ortega the permission which he asked on the 28th, to be allowed to go and sustain by arms the cause of independence in the interior of the republic, with the understanding directly expressed in the permit, in accordance with his own solicitations, that he might be allowed to go directly through Mexican territory, or else pass without delay through foreign soil;

5. That General Ortega subsequently set out, and, in place of merely passing through, according to the express tenor of his permit, has remained permanently, up to this time, in a foreign country, without license or commission, thus abandoning the position of president of the supreme court, under the present serious circumstances of the war, when the danger and inconveniences might have been and may be greater of a want of a head for the government, which, in expectation of his action, had not made any haste to appoint a president of the court, who, in case of a failure of the President of the republic, might take his place;

6. That, in addition to this responsibility for official delinquency in the position of president of the supreme court, he appears, also, to be responsible for another delinquency in failing to obey general orders, inasmuch as, holding a position as general, he has proceeded voluntarily to take up his residence abroad during the war, thereby abandoning the cause of the republic, of its flag, and of the army;

7. That, conformably to article 103 of the constitution, the president of the court is responsible, during his period of office, as well for the official delinquencies, faults, and omissions in the said position, as for common delinquencies;

8. And in consideration, also, that the government can and ought to declare this responsibility, in virtue of the power and ample faculties delegated to it by congress, not nullifying, but in necessary cases justly applying, the provisions of the constitution in reference to the responsibility of public functionaries—

I have decreed as follows:

ART. 1. General Jesus Gonzalez Ortega, for having proceeded to take up his residence in a foreign country during the war actually being waged, without license or commission from the government, appears responsible for official delinquency on account of the voluntary abandonment of the charge of president of the supreme court of justice; and, whenever he presents himself in the territory of the republic, the government will make proper arrangements for instituting judicial proceedings to pass judgment on his culpability, as it shall be made to appear.

ART. 2. In virtue of the ample faculties delegated to it by congress, and applying article 104 of the constitution, the government declares that there are grounds for proceeding against Jesus Gonzalez Ortega; and that whenever he presents himself in the territory of the republic, proper steps will be taken to obtain judgment on the offence involved in the fact, that, while holding the position of general in the army, he proceeded to reside permanently and of his own free accord in a foreign country during the war, without authority from the government, and to the abandonment of the army, of its flag, and of the cause of the republic.

ART. 3. Conformably to practice of congress on other occasions, the government, in the use of its ample faculties, will appoint a president of the supreme court of justice, in order that he may be able to succeed to the position of President of the republic, in case it should become vacant before the government can be turned over to a new president to be constitutionally elected, as soon as the condition of war will allow.

Wherefore, it is ordered that this decree be printed, published, circulated, and have due faith given to it.

Given at Paso del Norte, on the eighth day of November, in the year one thousand eight hundred and sixty-five.

BENITO JUAREZ.

SEBASTIAN LERDO DE TEJADA,

Minister of Foreign Relations and of Government.

I communicate the same to you for your knowledge, and that it may have due effect. Independence and liberty! Paso del Norte, November 8, 1865.

LERDO DE TEJADA.

The GOVERNOR of the State of ———.

No. 4.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, November 9, 1865.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF GOVERNMENT—SECTION FIRST.

CIRCULAR.

I send you two decrees issued to-day by the citizen President of the republic, relative to the continuation of his office, and the manner of filling, if he should fail while the war prevents a new constitutional election.

Since the 30th of November, 1864, when the government decided, in Chihuahua, that the presidential term of four years did not expire at that time, but one year after, and the opinions of many public functionaries were adduced in that resolution to show that the powers and authority of the President should be prolonged to an indefinite period beyond the ordinary term as long as the extraordinary situation caused by the war should render it impossible to hold a new election; the government gave notice that the question should not be taken up at that time, but wait till circumstances should render it necessary to be decided.

As that time has now come, and the decree of this day has decided it, with sufficient reasons, I will only make a few remarks upon the articles of the federal constitution, to which the decree refers, and they are as follows:

"ART. 78. The President shall enter upon the discharge of his duties the first of December, and shall remain in office four years.

"ART. 79. During the temporary or absolute default of the President of the republic, before the newly elected is presented, the president of the supreme court of justice shall exercise that power.

"ART. 80. If the default of the President be absolute, a new election shall take place, in conformity with article 76, and the newly elected shall exercise his functions till the last day of November of the fourth year following his election.

"ART. 82. If, for any reason, the election of President is not held and published by the first of December, when he is to be replaced, or the elected is not ready to enter upon the discharge of his duties, the former shall nevertheless cease, and the supreme executive power shall vest temporarily in the president of the supreme court of justice."

These articles, as the decree of to-day says, are all that treat of the duration of the functions of the President of the republic, and of the mode of supplying his place. In them, not only in spirit, but in a plain literal sense, it is seen that the constitution makes no provisions, and refers only to cases where the election has already been held, or could have been held, and orders it to be done immediately.

In fact, it is seen by article 79 that the president of the court shall exercise the power in default of the President of the republic, before the newly elected presents himself; that in article 80 a new election is ordered; and in article 82, in more precise terms, it is repeated that the president of the court shall only be charged provisionally with the executive power, and shall only hold it until a new election can take place.

All the articles having this meaning, it is natural and necessary to attribute the same signification to the precept contained in 82, when it is established that, at the end of the ordinary term, if for any reason the election for a new President had not been held and published, the former should yield, and the president of the court assume the executive power temporarily. This precept supposes, as all the other articles do, the possibility of holding an election, and wished to provide for the case when no election had been held, although it could have been done.

Without attempting to make all the articles mean the same, the signification of 82 is plain enough to show that it was to apply only when an election was possible; for, in case no election was held and published, its precepts could not be applied, nor to the case where there had been no election or publication, or an election without publication.

The idea alluding to the possibility of an immediate election is plainer in article 82, where it says the executive shall be confided to the president of the court, who shall hold it temporarily. These two words were used, though either one of them would have been enough, to signify that the case was not thought of where the president of the court should hold the power long or for an indefinite period, but that he should resign it, or only hold it till the publication of a new election already held should be made, or a new one be immediately held. It cannot be supposed that a temporary office would be held for an indefinite period; nor that the supreme executive power would be intrusted to an officer already elected to another office for the term of six years, and the period of which had almost expired.

It would be clearly wrong to give that meaning to an article of the constitution, when it would violate other articles of the same constitution. This would be the case if article 82 were so interpreted, even if an election were not possible: because other articles would be infringed, intrusting the supreme power to the president of the court, to hold it temporarily, till the new President elect should present himself, or till a new election could immediately take place.

It is evident that the meaning of article 82 is to prevent a President of the republic from abusing his power and authority by hindering the newly elected from taking his seat, or stopping an election when it could have been held. It could not possibly be applied to a case of this kind, where no act of the President, but war, prevented an election from being held. As there is no cause for supposing abuse of power in this case, it is wrong to believe that the constitution intended to destroy the power it created, or to take it from one who deserved it most through the confidence of the people, and give it to another who was to assume it only under the most urgent circumstances prescribed by the constitution.

It is not strange or new that certain precepts of the constitution intended to apply in times of peace should be found inapplicable in times of war. The only article of the constitution that looks to this case is 125, which says: when a rebellion or war interrupts the execution of its precepts, "the observance of them shall be restored as soon as the people regain their liberty." For this reason it is not strange that the articles of the constitution in reference to the duration of the functions of the President and of the mode of filling his place are not now applicable. In these articles a principle was laid down, and then the rules necessary to carry it out. In article 78 the term of four years was established as a principle for the duration of presidential power; and in articles 79, 80, and 82, rules for the renovation or substitution of the presidency, by default or at an end, were laid down. In cases where this principle is inevitably suspended, by war for instance, the constitutional regulations cannot be carried out or enforced till peace is declared.

In a case like the present, when war is waging, the supreme necessity of preserving the government makes it just and necessary to continue the functions of him who is the chief executive. If war makes it impossible to elect a President of the republic while the president of the court is holding the office temporarily, it is certainly right to prolong the office of the President to any period required, but only in case of absolute necessity.

As it is now impossible to hold an election, the president of the court would have to be put into power, and serve for the remaining time of his six years, if it were not necessary for him to continue in power beyond that time, and thus violate the constitution. He can exercise the supreme power but for a short time, only till an election can be held; and if that cannot be done, he would have to hold over, even beyond the term of his office as supreme judge, contrary to the letter and spirit of the constitutional regulations.

So the impossibility of holding an election at the present time, on account of war, makes it absolutely necessary to prolong the presidential powers, either in the person of the President himself, or in the supreme judge. If this prolongation is inevitable, why not continue it with the President elect, the choice of the people, and not with a judge, who was to hold it for a limited time, till a successor could be elected? Undoubtedly it would be more proper and conformable to the constitution to prolong both offices, according to the will of the people; and as the constitution in time of peace wanted both the offices to be filled at the same time, so that the government should never want a head, would it not be more proper to keep them filled in time of war, when there is greater danger from anarchy? On the other hand, if there was any doubt about this being the most conformable to the spirit and letter of the constitution, the legislative power only could solve it; and as the citizen President of the republic now holds that power, delegated to him by congress, with unlimited extent, to do as he pleased in war, without other restriction than that of saving the independence and integrity of the territory, the form of government established by the constitution, and the principles and laws of reform.

As this question of prolonging the power of the President is settled, we must attend to the case of default or substitution. For this reason it was necessary to issue the other decree today, in relation to the fact that General Jesus G. Ortega remains in a foreign country, without leave or commission, has given up his place as president of the court, and resigned his rank in the army. He acted in the same manner once before at San Luis Potosi, giving up his place as constitutional president of the court of justice and assuming that of constitutional governor of the State of Zacatecas, without any authority or license. In the resolution made by the government at Chihuahua, November 30, 1864, it was explained why it was presumed he had resigned the presidency of the court. Article 118 of the constitution prohibits the holding of two elective offices at the same time, but permits the elected to choose which he

prefers. Although the article refers to offices of the general government, it must here apply to State offices also. Notwithstanding this, it was determined in Chihuahua that General Ortega should retain his office of president of the court, for the national interest, so that, in default of the President, the judge could take his place. He was not called constitutional president of the court, nor could the government give him that title, for he had resigned it in San Luis Potosi, and could only regain it by a popular election; but the government, using the full power conferred upon it, declared that General Ortega was vested with the character of the president of the court. In this the government only followed a precedent of congress, that had appointed on one occasion a president of the court, when a constitutional president of the court was wanting.

In the copy annexed to this circular are shown the terms on which a license was granted to General Ortega, a few days after, to join the cause of independence as an officer in the interior of the republic. Against the express terms of this license, instead of going where he was needed, he left the country and went abroad, being guilty of two offences—one for giving up the presidency of the court, and the other for deserting his flag in time of war, he being a general.

In regard to the responsibility of public functionaries for dereliction of duties in the exercise of their offices, article 105 of the constitution says that congress, as a criminal court, shall decide the guilt and impose the penalty upon all such offenders. The responsibility in ordinary offences, not military, is considered in article 104, where it says congress shall decide the jurisdiction, relieve the man of his office, and consign him to the civil courts.

Among the powers conferred upon the government by the decree of the 27th of October, 1862, there was the prohibition to violate title IV of the constitution, which treats of the responsibility of public functionaries. The object of this restriction was that they should not be prosecuted by undue or arbitrary means, contrary to the provisions of the constitution; but this did not mean that they should not be prosecuted at all, only that the usual proceedings should be resorted to to enforce responsibility. The government has made use of this power delegated to it by congress, in punishing the treason of Santiago Vidaurri, and in other necessary cases; for it cannot be supposed that guilty officers would remain unpunished for political derelictions or common offences, prejudicial to the cause of independence, and in time of war.

For the serious reasons in the decree of to-day the government has decided that it was just and necessary to declare his responsibility. For giving up the place of president of the court, it has been declared that he shall present himself, as soon as he returns to the republic, and undergo his trial for that offence. For the crime of deserting his flag in time of war, it is also declared that he is subject to trial. Under the circumstances it was absolutely necessary for the government to notice General Ortega's responsibility. He has not only remained out of the republic when it was his greatest duty to remain in it, to remedy the inconveniences of a headless government in case of the President's default, but he has also gone without permission, and remains away, not deigning to say when he expects to return. His conduct has hindered the proper course of government by his absence, and for this reason it has been found necessary to give this just attention to his responsibility.

The one who has had charge of the government for several years during the war, so far from any pleasure or interest in his charge, it is irksome and dangerous, and the only motive the President has in issuing this decree is his firm and constant determination to do his duty to his country and to the people who elected him to the last.

Independence and liberty! Paso del Norte, November 8, 1865.

LERDO DE TEJADA.

The GOVERNOR of the State of ———.

No. 5.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF JUSTICE, INTERIOR,
AND PUBLIC INSTRUCTION—SECTION FIRST.

On the 28th instant General Jesus Gonzalez Ortega, president of the supreme court of justice, directed the following communication to this department:

"As the supreme court of justice, of which I am the president, is not in session in this city, nor can it meet on account of the war and other circumstances now disturbing the republic, and desiring on my part to do my duty as a Mexican soldier, as I have always done since the beginning of the war with France, I beg you to remit this communication to the citizen President of the republic, that he may grant me, as president of the supreme court of justice, the corresponding license, by the power with which he is invested, to repair to the interior of the republic, or elsewhere within Mexican coasts, to continue to defend with arms the independence of Mexico.

"As the interior States are occupied by the invaders, I may have to pass some sea or foreign territory to realize my desires, and I hope you will inform the citizen President of this."

In reply to the above, the following communication was addressed to-day by this department to the said president of the supreme court of justice:

"In view of your request for leave of absence, as president of the supreme court of justice, to go to points not occupied by the enemy, in order to continue to defend the independence of Mexico with arms, the citizen President, in ministerial council, has determined to grant you leave for an indefinite time, till you may choose to return to the seat of government, or till the government calls you or gives you some commission; you may in the mean time go directly by sea or over foreign territory to points of the Mexican republic not occupied by the enemy, to continue to defend the national independence with whatever forces you can raise, on condition that you will act in concert with the governor and military commander of the respective State, in your military operations, or with other chiefs of republican forces, in repelling the enemy, always by command of the political or military authorities from the supreme government, or its delegates properly authorized for the purpose.

"I send you this by supreme command, in answer to your despatch of the 28th instant."

And I have the honor to transmit it to you for your information and corresponding action. Independence, liberty, and reform! Chihuahua, December 30, 1864.

IGLESIAS.

"The Citizen MINISTER of Foreign Relations and Government, Present.

PASO DEL NORTE, November 8, 1865.

A true copy:

JUAN VALDES, First Officer.

No. 6.

Decrees of the Congress of the United Mexican States investing President Juarez with extraordinary powers.

- No. 1.—1. Law of 11th December, 1861.
- 2. Speech of president of congress.
- 3. Explanatory article, secret session.
- 4. Law of 7th June, 1861, referred to in above.
- 5. Articles of constitution, authorizing extraordinary powers.
- No. 2 —6. Law of May 3, 1862.
- No. 3.—7. Law of October 27, 1862.
- No. 4.—8. Law of May 27, 1863.

No. 7.

1.—LAW OF DECEMBER 11, 1861.

[Translation.]

DEPARTMENT OF GOVERNMENT—SECTION FIRST.

The citizen constitutional President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, maketh known that the congress of the Union has thought proper to decree the following:

ARTICLE 1. The law of the 7th of June of the present year, which suspended certain of the guarantees stipulated in the constitution, is hereby declared to be in force, and the provisions of the same are hereby extended so as to include the suspension also of the guarantees contained in articles 11 and 27 in their first part.

ARTICLE 2. The executive is hereby fully authorized and empowered to take such steps and adopt such measures as in his judgment may be necessary, under the existing circumstances, without other restriction than that of saving the independence and integrity of the national territory, the form of government established by the constitution, and the principles and laws of reform.

ARTICLE 3. This suspension of guarantees and the authorization conceded to the executive

by the present law shall continue until thirty days after the next meeting of congress, to whom account shall be given of the use that may have been made of these powers.

Dated in the hall of sessions of the congress of the Union in Mexico, December 11, 1861.

VICENTE RIVA PALACIO,
President of Congress.

JUAN N. GUZMAN, *Secretary.*
M. M. OVANDO, *Secretary.*

Wherefore I order that it be printed, published, circulated, and observed.
National Palace of Mexico, December 11, 1861.

BENITO JUAREZ.

The Citizen FRANCISCO J. VILLALOBOS,
Chief Clerk in charge of Department of Government.

And I communicate the same to you for your intelligence and the consequent ends.
Liberty and reform! Mexico, December 11, 1861.

FRANCISCO J. VILLALOBOS.

The Citizen GOVERNOR of the Federal District.

No. 8.

Extract from the speech of the President of Congress, at the close of the sessions of that body, on the 13th of December, 1861, after conferring the foregoing extraordinary powers on the executive.

[Translation.]

"By a decree congress, before closing its sessions, has authorized the executive in the most ample manner to dictate all measures that he may deem necessary, under the present circumstances, to confront the situation, saving only the national independence and integrity of territory, and the principles of the constitution and of the reform. By this, the greatest proof of confidence that a legislative assembly of the country has ever given to the depository of the executive power, congress confides to this power the salvation of the republic, because it is convinced that in moments so supreme energy and efficiency depend almost always upon unity of action; and this idea is found also in our fundamental code in the fact which authorizes congress to concede to the executive extraordinary powers.

"Incalculable is the weight which will rest upon the shoulders of the executive; terrible is the responsibility which, from this day forward, he is about to assume upon himself alone; but also immense are the resources which are placed at his control, and unlimited the faculties which have been given to him.

"The sole consideration of the necessity of saving the country decided congress to take this step. Upon the executive it now depends, and upon no other, to save the republic or precipitate it in the abyss.

"The national assembly suspends to-day its legislative labors; but it will remain always on the watch as the sentinel of the public liberties, and ready to return to meet again at the moment when its presence shall be in any manner necessary for the good of the country.

"It will then receive from the executive an account of this power, which to-day it delivers into his hands with so blind a confidence.

"If the foreign question is not settled pacifically; if a scene of war is to be spread out over our country, we will enter into the combat; and the justice of our cause and the love of our country will present, more or less near, but always true and beautiful, a future for Mexico.

"God guard the republic!"

No. 9.

Explanatory article adopted in secret session of Congress on the 13th December, as appears by proceedings afterwards published by order of Congress.

[Translation.]

Account was given to a communication from the department of foreign relations, accompanying an initiative, that it might be declared precisely whether in the faculties conceded to the executive by the law of the 11th instant was that of concluding treaties with foreign governments and placing them in force.

It was ordered to be passed to the committee which had already reported on the subject.

The rules were dispensed with, and the following article was adopted by a vote of 60 against 41, viz:

ARTICLE 1. In consequence, and resulting from the discussion and adoption of article 2 of the law of the 11th instant, the government is authorized to conclude treaties and conventions, and to place the same in course of execution, without the necessity of the approbation of Congress.

No. 10.

Law of Congress of 7th June, 1861, referred to in article 1 of the preceding decree.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT.

His excellency the President *ad interim* of the republic has been pleased to address to me the following decree:

The citizen Benito Juarez, constitutional President *ad interim* of the United Mexican States, to the inhabitants of the same maketh known, that the sovereign congress of the union has thought proper to decree the following:

ARTICLE 1. The first part of article 5, section first, title 1, of the constitution shall remain in these terms: In case of national public interest, every individual may be obliged to lend personal service, a just remuneration always being rendered.

ART. 2. The guarantee conceded by article 7, of the same title and section, is hereby suspended. The liberty of the press shall be subject for the present to the law of the 28th December, 1855, in so far as it is not opposed to the laws of reform: but with respect to writings which, directly or indirectly, attack the national independence and institutions, public order, or the prestige of the public authorities, the government may anticipate judicial sentence, imposing upon the authors of such publications a fine not exceeding one thousand dollars, which shall be exacted from the owner of the press in case the author is unknown or has not the means to satisfy it. The government may, in place of a pecuniary fine, impose that of imprisonment or confinement for six months. The governors of the States can impose similar penalties; but in case of confinement, they shall give account to the general government, that it may designate the place, the offender remaining meanwhile properly secured. The members of the congress of the union shall be subject, the same as other citizens, to the prescriptions of this article.

ART. 3. For the exercise of the guarantee conceded by article 9 in political affairs the permission of the authorities shall be required.

ART. 4. The governors of the States and of the federal district, and the political chiefs of the territories, shall immediately issue regulations with regard to the carrying of arms, and shall designate what are prohibited, and the requisites for the use of those permitted, under the understanding that in no case shall this be made the pretext for the imposition of any pecuniary charge. In this sense the guarantee conceded by article 10 shall remain restricted.

ART. 5. The guarantees referred in the first part of article 13, that conceded in the second part of article 18, and in the first and second part of article 19, are hereby suspended.

ART. 6. The first part of article 16 is restricted in these terms: No one may be molested in his person, house, or possessions, except by virtue of the order of a competent authority.

ART. 7. The guarantee conceded in article 21, with respect to political offences, is hereby suspended. The general government alone, in case of political offences, can impose correctional penalties, not exceeding one year of seclusion, confinement, or banishment. These penalties shall only be applied in cases where the offenders shall not have been submitted to the judicial authority.

ART. 8. From the moment of taking part, with arms in hand, in favor of whatever political opinion, the offence ceases to be merely political, and becomes merged in those of criminal law.

ART. 9. The second part of article 26 is hereby limited in these terms: In time of war, the military authorities may exact transportation, quarters, and personal service, in the terms directed by the ordinances of war.

ART. 10. The suspension of these guarantees shall continue for the term of six months.

ART. 11. The law of the 6th of December, 1856, with reference to conspirators, is hereby declared to have been and to be in force.

Dated in the hall of sessions of the congress of the Union, in Mexico, the 7th of June, 1861.

FRANCISCO DE P. CENDEJAS,
Vice President of Congress.

E. ROBLES GIL, *Secretary.*
G. VALLE, *Secretary.*

Wherefore, and with the accord of the council of ministers, I order that it be printed, published, circulated, and observed.

Dated in the National Palace of Mexico, June 7, 1861.

BENITO JUAREZ.

The Citizen LEON GUZMAN,
Minister of Foreign Relations and of Government.

And I communicate the same to you for your intelligence and the consequent ends.
God and liberty! Mexico, June 7, 1861.

GUZMAN.

The Citizen GOVERNOR of the Federal District.

No. 11.

[Translation.]

The articles of the constitution relating to the suspension of guarantees and the grant of extraordinary powers by congress to the executive are as follows: (See constitution in full in diplomatic correspondence on Mexican affairs for 1861, page 140.)

TITLE I.—SECTION FIRST.

ARTICLE 29. In case of invasion, grave disturbance of the public peace, or whatever cause which may put society in great peril or conflict, solely the President of the republic, in concurrence with the council of ministers and with the approbation of the congress of the Union, and in the recess of this, of the permanent deputation, may suspend the guarantees established by this constitution, with exception of those that assure the life of man; but such suspension shall be only for a limited time, by means of general provisions, and of such a character as not to favor a determined individual purpose. If the suspension take place during the session of congress, this shall grant such authorization as they shall deem necessary to enable the executive to confront the circumstances. If it shall take place during recess, the permanent deputation shall, without delay, convoke the congress for its advice and action.

TITLE III.—SECTION FIRST—PARAGRAPH THIRD.

ARTICLE 72. Congress has the power—

Thirtieth. Of making all laws which may be necessary and proper to render effective the foregoing powers, and all others conceded by the constitution to the powers of the Union.

TITLE VIII.

ARTICLE 128. This constitution shall not lose its force and vigor, even if its observance be interrupted by any rebellion. In case that by means of such an event a government shall have been established contrary to the principles which it sanctions, immediately upon the people recovering their liberty its observance shall be re-established, and, according to its provisions and the laws which have been passed in virtue of it, shall be judged as well those who have figured in the government emanating from the rebellion as those who have co-operated with it.

No. 12.

2.—LAW OF MAY 3, 1862.

[Translation.]

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same maketh known, that the congress of the Union has thought proper to decree the following:

ARTICLE 1. The suspension of guarantees established by the law of the 11th of December, 1861, is hereby continued.

ARTICLE 2. The Executive is again authorized in the terms prescribed in the said law, with the limitations therein established; and, besides that, of not intervening in matters of a judicial order commenced, or that may be pursued, between private individuals.

ARTICLE 3. The suspension of guarantees, and the authorization to the Executive spoken of in this law, shall continue until the meeting of congress, on the 16th of September next; and if then its meeting shall be impossible, by reason of the foreign war, or from the elections not having taken place, they shall continue until the next first meeting of congress shall take place.

ARTICLE 4. In case that the regular elections of members of congress cannot take place in certain of the districts on the days prescribed by law, the government will take care to designate other periods in order that the meeting of congress may take place at the earliest possible moment.

ARTICLE 5. The Executive will give an account of the use that he may make of the fac-

ulties and powers conceded to him by this law within the first fifteen days after the meeting of the national congress.

Dated in the hall of sessions of the congress of the Union, Mexico, May 3, 1862.

JOSÉ LINARES,
President of Congress.

REMIGIO IBANEZ, *Secretary.*
M. M. OVANDO, *Secretary.*

Wherefore, I order that it be printed, circulated, and that due compliance be given to it National Palace of Mexico, May 3, 1862.

BENITO JUAREZ.

The Citizen MANUEL DOBLADO,
Minister of Foreign Relations and of Government.

And I communicate the same to you for your knowledge, and the consequent ends.
God and liberty! Mexico, May 3, 1862.

DOBLADO.

The Citizen GOVERNOR of the Federal District.

No. 13.

3.—LAW OF OCTOBER 27, 1862.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT.

The citizen President of the republic has been pleased to transmit to me the following decree :

The citizen Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same maketh known, that the congress of the Union has thought proper to decree the following :

ARTICLE 1. The dispositions contained in articles 1 and 2, of the law of May 3 last, are declared in full force.

ARTICLE 2. The suspension of guarantees and the authorizations conceded to the Executive by the present law will last six months, provided that peace with France is not re-established before the end of that period. If the war should last more than six months, said suspension and authorization will last until thirty days after the reassembling of congress.

ARTICLE 3. The Executive will give an account of what use he has made of these faculties within fifteen days after the authorizations have ceased.

ARTICLE 4. It is declared that the Executive has no faculty to interfere nor decide in civil affairs between private persons, nor in criminal cases, in which offence of private rights only is involved.

ARTICLE 5. In the powers granted by this decree is not included that of contravening in any way the provisions of title 4^o of the constitution.

Given in the hall of sessions of the congress of the Union, in Mexico, October 27, 1862.

JOSÉ GONZALEZ ECHEVARRIA,
President of Congress.

FELIX ROMERO, *Secretary.*
JOAQUIN M. ALCALDE, *Secretary.*

Wherefore, I order that it be printed, published, and carried into effect.
National Palace of Mexico, October 27, 1862.

BENITO JUAREZ.

The Citizen JUAN ANTONIO DE LA FUENTE,
Minister of Foreign Relations and of Government.

And I communicate the same to you for your information and the consequent ends.
Liberty and reform! Mexico, October 27, 1862.

FUENTE.

The Citizen GOVERNOR of the Federal District

* Regarding the responsibility of public functionaries.

No. 14.

4.—LAW OF MAY 27, 1863.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT.

The citizen President of the republic has been pleased to address to me the following decree :

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same maketh known, that the congress of the Union has been pleased to decree the following :

ARTICLE 1. The suspension of individual guarantees ordained by the law of the 27th October, 1862, and the concession of powers which by the said law was made to the executive, is hereby extended until thirty days after the next meeting of Congress in ordinary session, or before, if the war with France is terminated, continuing also in force the conditions and restrictions imposed upon the Executive by the aforesaid law.

ARTICLE 2. In what relates to treaties, agreements or diplomatic conventions that the government may conclude, it is understood that no intervention of any kind shall be admitted.

Dated in the hall of sessions of the Congress of the Union, in Mexico, May 27, 1863.

S. LERDO DE TEJADA,
President of Congress.

FRANCISCO BUSTEMENTE, *Secretary.*

M. M. OVANDO, *Secretary.*

Wherefore, I order that it be printed, published, and observed.
National Palace of Mexico, May 27, 1863.

BENITO JUAREZ.

The Citizen JUAN ANTONIO DE LA FUENTE,
Minister of Foreign Relations and of Government.

And I communicate the same to you for the consequent ends.
Liberty and reform ! Mexico, May 28, 1863.

FUENTE.

The Citizen GOVERNOR of the Federal District.

No. 15.

[Translation.]

Congress closed its session on the 31st of May, 1863, and on the 10th of June the city of Mexico was occupied by the French forces.

Since that time no session of Congress has been held, nor has it been possible for any elections to take place. President Juarez has, therefore, continued in the exercise of the extraordinary powers conferred upon him by the law of 27th May, 1863, and in pursuance of the same and by virtue of article 128 of the constitution, on the eighth day of November last, before the normal expiration of his term, which would have closed on the 30th November of the past year, he issued a decree extending the term of his office, in compliance with the advice and wishes of nearly all the liberal leaders, until the expulsion of the invaders shall permit an election to be held.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, December 18, 1865.

MR. SECRETARY : I have the honor to transmit to you, for the information of the government of the United States, some documents, translated into English, recently come into my possession, showing the condition of affairs on the north-

western frontier of the Mexican republic. At the same time I enclose you two very significant documents, both from French sources, clearly showing what is going on in the part of Mexico occupied by the French.

The first of these documents is a letter from Mr. Heym, sergeant-major and secretary of the Belgian legion in Mexico, to his parents in Lievre, telling them simply and truthfully what the legion has done in Mexico, the excesses it has committed, and the way the usurped authority it represents is treated by the nation. The whole letter was published in an Antwerp paper, called *Le Précurseur*.

The second of the documents mentioned is an extract from No. 102 of *La Idea Liberal*, of the 29th of November last, a paper published in Puebla, and was brought to this country by the last steamer from Vera Cruz. This extract is the report of two Mexicans, denying the official assertion of the usurper's agents that the amnesty offered in his bloody decree of the 3d of October last, of which I sent a copy in English to your department with my note of the 25th of the same month, had been willingly accepted by them. The French and their agents have recently tried to make believe that a large number of Mexicans, still defending the independence of their country, have accepted this amnesty; but the representations of the two citizens referred to, Silvester Aranda and Zeferino Macias, demonstrate very plainly what credit these assurances deserve.

I embrace this occasion to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

Mariano Escobedo, general of the Mexican republic, and commanding the division of the north, to the inhabitants of the State of Tamaulipas:

CITIZENS OF TAMAULIPAS: As a soldier of the republic and of the national independence I have had to traverse the territory of this ever-patriotic State with the forces I have the honor to command, in order to combat our common enemy, intrenched in Matamoras. The line of conduct pursued by the braves who have accompanied me through all these populations is the best guarantee of that which they will pursue in the future.

I know your patriotism, generous Tamaulipans. I have not passed through a single city or rancho where I have not received signal proofs of adhesion to the national cause, and therefore doubt not that you will listen to the voice of your country, calling upon you through me in these supreme moments.

Sons of Tamaulipas! Grasp your ever-feared and victorious rifles and join the hundreds of your fellow-citizens who already form our ranks, thus showing to the world that you are worthy of the freedom which you have always enjoyed. A small effort and the heroic city will be free.

Sons of Matamoras! No one in the world will believe that there is among you a single one capable of betraying the republic. You are oppressed—that is all. I come as a friend to help you shake off the yoke of the so-called empire, because we are all interested in the liberation of this port. I offer you all the guarantees which you can desire. The subordination and strict discipline of my command inspires me with the necessary confidence to assure you that all property and persons will be religiously respected.

Those only need fear who shall obstinately try to oppose the passage of my forces, for on them will fall the avenging sword of an indignant republic.

Mexicans, who are sacrilegiously armed against your country, open your eyes! What are you going to do? Against whom do you intend to fire off the guns you have shouldered? Against us? What do you defend against us? Reflect well. For nearly four years the sons of Mexico have fought against a foreign foe who desires to impose upon us the yoke of a foreign monarch—a foe which outrages, humiliates, and despises us, and tramples under foot the sovereignty, dignity, and the independence of our country. We

are fighting and always will fight against this army of usurpators. Meditate well, you citizens who are arming against us. Think of our particular situation. You are Mexicans; we also are such. Why are we about to fight against each other? You have placed yourselves by some strange fatality by the side of these foreign enemies, and yet in your bosom beats a Mexican heart. Your conscience, then, must tell you, when firing your shots upon us, that you are firing upon your country, because we contend for its honor, its liberty, and its independence. Unite with us, Mexicans, follow the natural impulses of your heart, and together we will save the republic from the domination of foreigners, fighting without rest the forces of the French monarch.

Mexicans all! the standard of independence and the republic calls you! Come cluster under its folds, and, fighting as ought to fight free and generous men, demonstrate to the world that if we Mexicans have always been unfortunate, we are not degraded enough to accept slavery at the hands of a foreign monarch, great and powerful though he may be.

MARIANO ESCOBEDO.

HEADQUARTERS AT SANTA ROSALIA, *October 19, 1865.*

No. 2.

[Translation.]

Mariano Escobedo, general of the Mexican republic, commanding division of the north, to his subordinates:

COMPANIONS: In marching against the city of Matamoras I must tell you that I have faith in our triumph, because I reckon with your bravery and discipline.

Soldiers of the republic! You know that your mission is to fight for the independence of our country, to give its inhabitants all classes of guarantees, and such as are compatible with the circumstances of the war which we are obliged to sustain. A throne has been raised by foreign bayonets in our capital; and this throne, self-degraded, weak, and impotent, and a truly humiliating representation of sovereign nationality, must fall, to enable our country to recover its proper dignity and existence.

It appears incredible, but there exist Mexicans who lend it their support, and such are those whom you will have to encounter in Matamoras. They are misled. But they cannot possibly feel the firm conviction of being in the right, because the country speaks to their heart as the sentiments of maternity speak to that of the child. Their cause is bad, while yours has the sympathy of the world; and the greater the privations, sufferings, and difficulties you have to confront in its defence, so much more glorious is it to uphold it. Continue as you have commenced. In this State, wherever you have passed, you have by your good conduct conquered friends, strong and brave on the field of battle in defence of liberty, who have united, and continue to unite with you, and reflect splendor on the arms of the republic.

Fear nothing! Soon will the national flag wave majestically over this entire frontier, because you sustain it with an arm that knows not how to give way before foreign oppression, but knows how to fall terribly upon those who try to defile it, and also punish those who undertake to cover their transgressions under its folds, who outrage peaceful inhabitants, or deprive them of the free use of their property.

Forward, companions! There are yet thousands of Mexican hearts in the heroic Matamoras whose wishes are propitious to you. It is there you will receive the congratulations of him who with pride calls himself your general and friend.

MARIANO ESCOBEDO.

HEADQUARTERS AT SANTA ROSALIA, *October 19, 1865.*

No. 3.

[Translation.]

MEXICAN REPUBLIC, DIVISION OF THE NORTH, GENERAL-IN-CHIEF.

GENERAL: Nearly four years of a bloody contest to repel the form of government which the French invasion is trying to establish are sufficient to convince you that it is not possible to give our country peace under the imperial government which has been established in some of our principal cities. We Mexicans who are fighting it are using our rights, because we want for our country true independence and sovereignty, and not the simulated one represented by the Austrian Archduke Maximilian. Using this sacred right, I am

about militarily to occupy this place, (Matamoras.) But, considering that those who form its garrison are also Mexicans, I think it my duty to invite you to listen to the voice of your country calling upon you to cease your co-operation in its abasement and prostration by the rule of a foreign monarch.

I know that this proceeding is foreign to the usages established in this war, during which time no invitation of this nature has been extended on the part of the Imperialists; but I fulfil my duty in order that the responsibility may fall upon others. God and history will judge the Mexicans who in this war have defended causes so opposite.

Do me the favor, general, to answer this communication within two hours, and accept the assurance of my consideration,

Independence and liberty! Camp in sight of Matamoras, October 23. 1865.

M. ESCOBEDO.

General THOMAS MEJIA,
Commanding Garrison in Matamoras.

No. 4.

[Translation.]

IMPERIAL MEXICAN ARMY, DIVISION—MEJIA, GENERAL-IN-CHIEF.

GENERAL: I have received by your two *parlamentarios* (bearers of a flag of truce) your letter dated to-day, which, in summary, contains an invitation for me to surrender this place to the forces under your command.

Although I could not reckon upon the elements which now are more than sufficient to defend it, yet, as a soldier, it would be my duty to die, after having exhausted all my means of resistance, and my obligations as a Mexican to sacrifice myself and soldiers for a cause upon which depends, according to my sincere convictions, the salvation of my country. But I hold in my hands resources sufficient to defend it, and hope to defend myself with complete success. You can commence your operations as soon as you think convenient. The responsibility will fall upon him who shall have provoked the occurrences.

Accept, general, the assurance of my consideration.

THOMAS MEJIA,
Commander-in-chief of the Line of the Rio Grande.

General MARIANO ESCOBEDO,
Before Matamoras.

No. 5.

The following communication was addressed to General Steele by General Escobedo on the day of its date, and before the former had turned over his command to General Weitzel:

[Translation.]

MEXICAN REPUBLIC, DIVISION OF THE NORTH—GENERAL-IN-CHIEF.

SANTA ROSALIA, October 20, 1865.

GENERAL: As it is difficult for me to direct an official communication to the consul of the United States accredited to my government in the port of Matamoras, I have the honor, general, to write to inform you that, within a few days, I shall commence military operations against that place, occupied to-day by forces hostile to the legitimate government of my country. All the pacific inhabitants, without distinction of nationality, will be protected in their persons and property as far as the exigencies of the war will permit; and I can assure you, general, that if, unfortunately, any disorders should be committed, they will be severely punished. I beg, general, that you will transmit a copy of this official note to the consul of your nation, recommending to him (if I may so far tax your kindness) that he will give the greatest publicity to its contents among strangers and natives.

I am, very respectfully, your obedient servant,

MARIANO ESCOBEDO.

Major General F. STEELE,
Commanding American Forces on the Rio Grande.

No. 6.

[Translation.]

BROWNSVILLE, TEXAS, *October 30, 1865.*

At an early hour yesterday morning, in company with several officers of the United States army, I mounted my horse and started for a visit to the liberal encampment, now established around the city of Matamoras. Although the "communication" is perfectly open between this place and Escobedo's headquarters, and parties are constantly passing upon business or pleasure, yet there is a semblance, or rather affectation, of mystery about it which, if adding little to the zest of the journey, rendered it pleasing to have one of "the initiated" with us to point out the roads, parley with the guards, and afford us the benefit of his experience in swimming our horses across the Rio Grande—as this, among other pleasant experiences, was involved in the trip.

The rain of the past few days had rendered the roads through the chaparral very wet and muddy, and in many places were deep mud-holes, through which our horses made their way with considerable effort. The sky was clear as we started, and the sun beat down with a warmth which would do credit to a midsummer day in your northern climes. The foliage on either hand presented every shade of green, with not a single tinge of autumn visible. The leaves, very small, and of various and exquisite shapes, were interspersed with beautiful flowers, while from every branch and twig innumerable birds were fitting.

After riding at a furious rate for three or four miles, we turned off from the main road and entered a by-path, which soon brought us to a collection of huts near the bank of the river, and occupied by two or three Mexican families. The women, dressed in a style which, if not altogether primitive, was certainly approaching it, were squatted around a small wood fire, broiling beef bones, while their numerous progeny ran about in happy ignorance that the conventionalities of any life rendered imperative the use of clothing. These children often have the Moorish type of features, and frequently during youth are very beautiful.

CROSSING THE RIVER.

Upon reaching the river bank we found one small boat, constructed much like a canoe, in which were placed our equipments, the horses, held by a long and strong lariat, swimming after. Once over, and our horses resaddled, we again started through the chaparral, the roads upon the Mexican side being somewhat of an improvement upon the other. After riding a mile or more we met a short, venerable looking Mexican, with full gray whiskers, riding upon a spirited-looking mustang. This gentlemen turned out to be

SEÑOR MANUEL I. GOMEZ,

General Escobedo's private secretary. As I afterwards learned, he formerly resided in the city of Mexico, was a lawyer by profession, and possessed of an immense fortune. Upon the occupation of the country by the French, he abandoned his home and property, attached himself to the liberal cause, and, from a spirit of pure patriotism, has devoted all his energies to the re-establishment of his country's independence. He greeted us with much courtesy, and directed his orderly to return with us and show us the best road to headquarters.

A further ride of three miles brought us to the headquarters of the liberal commander-in-chief. They were established at a rancho about one league from the city, which was for the most part plainly visible, as it is surrounded by an extensive plain. The attacking force is alone covered by the chaparral, which grows to a height of from eight to twelve feet. In glancing over this plain, upon which were encamped between three and four thousand men, not a single evidence of life was discernible, so effectually is everything concealed by the trees and underbrush. The building occupied by the general consists of a low brick structure, having but one room and two or three *hacals*—houses built of cane and plastered with mud—all in an extremely filthy condition. The yard and grounds about the place were overrun by horses, mules, and cattle, in addition to which a number of the latter had been slaughtered near by and the refuse left on the ground, all causing a conglomeration of filth and stench which I have seldom seen paralleled. As we rode into the enclosure we were greeted by a number of staff officers, and requested to dismount. A glass of whiskey was immediately presented us, after which we were ushered into the house or cabin and introduced to

GENERAL MARIANO ESCOBEDO.

This officer, as stated in a previous despatch, has been recently appointed to the civil and military command of the States in northern Mexico, and of the troops therein stationed, by President Juarez. Though thus clad by an authority which the liberal chiefs everywhere pretend to recognize, he was for some time unable to reconcile and reorganize the conflicting elements composing the liberal army. He has, however, finally succeeded in doing this, and the present investment of Matamoras is the result.

While compelled, from the peculiarities of his position, to perform certain acts and make use of means which would not be considered strictly legitimate, he nevertheless stands very high with his countrymen, and is, I think, justly considered to be honest, sincerely patriotic, and of considerable ability. Before starting for Matamoros he convened the various liberal commanders, some of whom were stationed at quite a distance from his headquarters, and acting for the most part on their own responsibility, and after a long and serious consultation, partly by the authority of his position, and partly by persuasion, he induced them to abandon their jealousies and differences and unite under him for an attack upon the city. Before separating these men embraced each other and pledged themselves to united efforts against the common foe. Having concentrated his forces at Camargo on the 14th, he reached Matamoros on the 20th, and forthwith commenced the investment of the place.

General Hinojosa was given the command of the right wing. Canales the centre, and the renowned Cortina the left. I may remark in this connection that up to this time these officers had worked admirably together, and the utmost harmony and good feeling prevailed.

As we entered the general arose and came forward to meet us, extending his hand and greeting us with the *imprement* peculiar to the Spanish race. At his suggestion the party seated themselves about a rough table, on each side of which benches were placed. These, with three camp beds, in as many corners, comprised all the furniture in the room. As the general does not speak English, the conversation was carried on in Spanish, and was mostly of a personal character. He is about five feet ten inches in height, with small, keen, black eyes, spare in habit, and somewhat stooping. This latter defect is more observable when on horseback. His forehead is high and narrow, his mouth large, well formed, and indicative of great energy. In manner he is quiet, unassuming, reticent. This latter quality he is said to possess to an eminent degree. He keeps his own counsel remarkably well, the most prominent members of his staff knowing nothing of his plans or purposes. I gather from his remarks that he was confident of success, though nothing was said directly upon the subject. He intimated that he could have been in possession ere this by a great sacrifice of life and a destruction of a portion of the city, which he was anxious to avoid. I thought that he fancied he had "everything his own way," and that he could afford to wait.

His staff for the most part spoke English fluently, and seemed gentlemen of education. His engineer officer, Colonel Piscardo Villanueva, was educated in Europe, and possesses great abilities in this branch of the service. While we were seated at the table he presented the general with a sketch of the works about the city, which I saw at a glance was correct. Colonel Charles, chief of staff, is an accomplished and indefatigable officer, and performs the varied and laborious duties of his position admirably. Those duties will be the better appreciated when it is considered that the liberal army has no quartermaster or commissary department, and that the providing for the troops is necessarily under the immediate eye of the general.

After remaining in conversation for a time we clambered to the top of the most elevated buildings, where we obtained an excellent view of the city and that portion of the fortifications nearest us. As before stated, the dense clapparral concealed the troops from view. In the occasional open spaces visible animals were seen quietly grazing, and not the slightest evidence was observable that "grim-visaged war" was here holding his accustomed revel of blood. After partaking of a lunch prepared in the Mexican style, it was thought desirable to return, and as our horses were brought up the general announced his intention of accompanying us for a distance, and of showing us

THE LINES.

Mounting, we started off, followed by as motley a crowd as ever the imagination of the great dramatist conceived, moving toward the city. We soon came upon an encampment of reserves, or rather, I should say, a bivouac, as there was no sign of a tent or other covering visible. While the general was in conversation with the commanding officer of the troops, I had an opportunity of observing both officers and men. The only distinguishing mark between the two was a sash worn around the waist, its color denoting rank among the subalterns. Theoretically the Mexicans have the shoulder-straps, with stars of various sizes, leaves, &c., designating marks, but in active service they are seldom seen. While every variety of dress was observable, the predominating one was composed of jackets and pantaloons of dark gray, the cap similar to our forage cap. As will be naturally supposed, these were extremely shabby, although, on the whole, they certainly appeared better than any similar number of rebels I saw during the latter part of our war. I thought the men looked young, though, upon calling the attention of Colonel Charles to this fact, he stated that they were mostly old soldiers. Judging from the expression of their faces, they seemed in most excellent spirits; not enthusiastic, but quiet, good-humored, and satisfied. They gathered in groups, and suspended their conversation to look at the general. Numbers waved their hats, and now and then a suppressed *viva* was heard, but nothing more; not much life, or energy, or expectation, but rather what seemed to me a childlike contentment.

Riding forward, we soon came upon the third line of works, which consists of a long pit or ditch, the dirt thrown from which constitutes a breastwork. The other lines were similar, as I was informed, though we did not visit them. Several pieces of artillery were pointed out

to me in position in the chaparral. They were mostly small, though an occasional rifled gun of considerable calibre was seen.

As our course carried us towards the left, we moved in that direction, our eyes for the most part turned toward the fortifications, from which an occasional gun was heard, falling, however, far short of us. Observing a group of horsemen at a little distance in the wood, the general turned his horse in that direction. On observing us the party advanced to meet us, and an officer by my side in a low tone said, "Cortina."

No. 7.

[Translation.]

BROWNSVILLE, TEXAS, *November 3, 1865.*

The condition of affairs has not materially changed since the date of my last despatch. A constant skirmishing has been kept up outside of Matamoras, and the liberals have dropped an occasional shell into the city, but no material damage has been done.

RE-ENFORCEMENTS EXPECTED.

I was yesterday informed by a staff officer of General Escobedo that the liberal chief was awaiting re-enforcements, which were confidently expected last evening. He earnestly denied the rumors which have been prevalent for the past few days that the liberal force was about to be withdrawn, and was enthusiastic in his assurances that the city would be eventually taken.

The hospitals established for the care of the liberal wounded are now in full operation, and every attention is paid to their wants. The Mexicans on this side of the river are all republican in sentiment, and are contributing supplies and delicacies for their use.

RUMORS.

There have been rumors of the arrival of French troops at the mouth of the river for the past three days, and some of the Matamoras journals have been loud in their assurances of what would be accomplished when they reached the city. A gentleman who reached here last evening from Bagdad states that no such troops had arrived, and no transports were in sight. The liberals, who are usually well-informed, laugh at the idea of the imperialists receiving re-enforcements from Vera Cruz or elsewhere.

A forced loan of two or three thousand dollars has been levied on all persons engaged in business in Bagdad. It is alleged that the money is levied for the purpose of paying the troops, who, it appears, are not disposed to fight for "the empire" without pay, and it was apprehended that, unless it was forthcoming, a revolt would take place.

As protection from forced loans is one among the strongest arguments used by the supporters of Maximilian, it is presumed the money will be paid with but a poor grace.

FROM THE INTERIOR.

A despatch from Colonel Trevino to General Escobedo says that a portion of his command, under Captain D. Jacinto Frago, recently encountered a force of the Franco-traitors at Villa de Garcia, on the road between Cerralvo and Monterey, and routed them, killing a number and capturing five prisoners. The fight was a hand-to-hand contest in the streets of the village.

The same party surprised a force of the imperialists at Mesilla, and captured their arms and horses.

Colonel Trevino holds the road between Monterey and Matamoras, and has sufficient force to prevent re-enforcements marching from the former to the relief of the latter, even though they could be spared for that purpose.

No. 8.

[Translation.]

BROWNSVILLE, *November 14, 1865.*

The liberal forces, which, since their withdrawal from the immediate front of Matamoras, have been encamped some six or eight miles up the river, have succeeded in obtaining a liberal supply of ammunition, and, as they say, will resume their old position before the city as soon as the state of the weather—which is now very bad—will permit. Yesterday, owing to the condition of the ground, their encampment was moved to a point nearer the river, and Escobedo now has his headquarters opposite ranch Cortina, the residence of the famous border chief of that name.

THE AMMUNITION.

It is gravely stated that while the commander of the French fleet off the Rio Grande was engaged in writing important letters to the officer commanding the United States forces here—copies of which I forward you—the liberals succeeded in running a vessel loaded with arms and ammunition from the north past his fleet, and landed them on the Mexican coast below Bagdad. This is, however, considered a canard by the better informed; and it is intimated that the vigilance of the detectives engaged in efforts to preserve the neutrality laws has been evaded, and the supply referred to crossed over from this side.

No. 9.

[Translation.]

BROWNSVILLE, November 15, 1865.

At about eight o'clock last evening what seemed to be a sharp skirmishing, with an occasional sound of artillery, was heard below this city, and it was supposed the liberals had passed around Matamoras, and were attacking it from the south side. It was known that General Mejia had, during the day, kept a force at work cutting down the chaparral outside of the forts, and that no enemy was in sight. The sound of the guns, therefore, caused much wonderment, and many absurd rumors were rife.

THE MYSTERY EXPLAINED.

This morning the mystery was explained, and in a manner which has caused much merriment, and poured a flood of ridicule upon the imperialists.

It seems that a wood boat or barge, used in bringing wood from up the river for the use of the government transports, had come down loaded during the day, and had been tied to the bank near the town. The current being very strong, her fastenings were broken, and she floated down the stream. The three men upon her, having no boat, were compelled to let her take her course. When opposite Matamoras she was hailed by the gunboat Antonio, lying at that point. The answer was not heard or not understood, and, fearing she was some diabolical invention of the liberals, the Antonio opened fire upon her, in which the land forces and guns soon after joined. The captain called out her true character at the top of his voice, but to no purpose, and onward past the forts at the lower end of the city moved the fearful craft, until brought up by a sharp bend in the river, when the demoralized but uninjured crew succeeded in tying her to the bank. A bullet passed through the captain's hat, but no other injury was done. That officer, who is an absurd-looking Mexican, with liberal tendencies, hopes that the Juarez government will bear in mind the precedent established by the United States in heaping such liberal rewards upon Admiral Farragut for his success in passing forts.

MONTEREY.

General Escobedo recently received a communication from Colonel Trevino, commanding the liberal troops in the vicinity of Monterey, in which that officer confirmed the evacuation of that city by the French, with the further information that the place was held by five hundred native troops (imperialists.) He also stated that events had transpired there which rendered the presence of the commanding general of great importance—details of which he did not feel at liberty to commit to paper. Upon the reception of the communication General Escobedo immediately started for Colonel Trevino's headquarters. He will be absent four or five days. It is shrewdly surmised that the commanding officer of the imperial troops in Monterey, who once belonged to the liberal party, is desirous of a personal interview with the general, and that such interview will result in a compromise which will avoid all bloodshed over the possession of that city.

No. 10.

[Translation.]

BROWNSVILLE, TEXAS, November 30, 1865.

Advices from the interior have been received here which confirm the oft-repeated statements of the anarchy and confusion which exist throughout Mexico under the beneficent rule of the emperor Maximilian. The interests, and, indeed, the life and property of the people, under the sway of the officers commanding the foreign legions, are treated as things of no moment, and forced loans of money and other valuables are constantly levied and collected at the point of the bayonet—imprisonment and death being oft times the penalty of non-payment. Maximilian has recently come to the sage conclusion that he has not troops enough

to hold the country, and has therefore commenced a series of concentrations at some of the more important points. In accordance with this programme the French troops were withdrawn from Monterey and marched to Saltillo, where it was given out they were to remain. This place has a population of fifteen thousand. Before his departure Colonel Jeanningros, commanding the French troops, caused fifty thousand rations to be sold at auction in the public square, where they brought small prices. For this and other reasons it is supposed the troops are to be withdrawn some distance in the interior.

At the latest advices they had reached Saltillo, where the people had already been robbed of large sums by forced loans.

The troops were quartered in the city, and a large number of families had been turned from their houses to make room for the French officers and men.

Everywhere the people are treated like dogs, and the most atrocious outrages perpetrated on both men and women.

The French troops are of small stature and poorly armed, but are seemingly very active. They carry much heavier loads on the march than our soldiers and straggle fearfully. They are miserable horsemen, officers as well as soldiers, and in their operations against the mounted troops of the liberals never leave the broad road, as, should they enter the chaparral they might fall from their horses, the result of which would be certain death from the sword or dagger of the Mexican, who moves with astonishing celerity through the tangled undergrowth.

MAPS OF THE COUNTRY.

Engineers in the French service are engaged in making maps of the country and studying its condition with reference to the roads, water, and supplies.

DESERTERS.

Large numbers of foreign troops have deserted, and others lose no opportunity to do so. Of the eight thousand Austrian troops which originally came to the country two thousand have died off or deserted. It is thought by the well informed that there are not now more than fifteen thousand foreign troops in the country. As has been stated, there were originally eighteen thousand French troops, and fourteen thousand Austrians, Hungarians, Poles, Egyptians, &c. These were the numbers on paper. It can be safely calculated that one-third less was the actual number present, and that by disease, desertion, and the weapons of the liberals it has been decreased to the present estimate can be easily believed.

THE SENTIMENTS OF THE PEOPLE.

In many places the people have anxiously longed for the arrival of the imperial troops, hoping to be preserved from the exactions of the liberals; but in every case these illusions have been dispelled by their presence, and the universal cry is, "Anything but these foreign robbers and cut-throats."

No. 11.

[Translation.]

BROWNSVILLE, TEXAS, *December 7, 1865.*

Information of the defeat of the liberals in and about Monterey has reached here. As usual, the accounts of the respective parties widely differ, and it is difficult to get at the real truth of the affair.

FORCED LOANS.

Before leaving Monterey the French commander had made forced loans, in violation of the decree of Maximilian, and on November 8 the Mexican imperial commander made another assessment on the merchants for money, men, and horses to defend the city against the liberals. Some Americans and others protested against this, but were informed that they must comply with the demand or go to jail.

Drafts on the city of Mexico for previous loans had been dishonored.

THE FRENCH ADMINISTRATION

of affairs about Monterey had been very tyrannical, and the people everywhere were more dissatisfied with the empire than they had previously been with the republic. Many complaints were made of outrages committed on citizens by the French officers, particularly by Americans and other foreigners. Instances of public flogging of citizens by Jeanningros himself were related by reliable parties.

The officers, with their orderlies and servants, were quartered with the wealthy families, using their rooms, furniture, and provisions at pleasure. The troops were quartered in houses, from most of which the families had been ejected.

On the march from Monterey to Saltillo women and children were turned from their houses in cold weather that the soldiers might occupy them.

All property seized for public use is paid for at such prices as the commanding officer may allow, or not at all.

The people are constantly contrasting the course of the French with that of the Americans in 1847, much to the credit of the latter.

The roads through the country travelled are natural, and for the most part good. A scarcity of water is, however, a serious difficulty in the way of travel or of military operations. Much of this might be overcome by digging common or artesian wells. Generally speaking, good water can be obtained at a depth of from thirty to sixty feet in limestone rock, and large tracts of land, now useless, might be cultivated by the aid of irrigation therefrom. In case of military operations within the states mentioned, all supplies except fresh meat must necessarily be from the line of the Rio Grande. A railroad from the river to Monterey would be advisable in such case. To build such a road very little heavy grading would be required. The greatest difficulty would be in procuring ties, there being little timber growing near except palmetto, which is too soft for such purpose. Difficulties in procuring water and grass would prevent any extended cavalry operations.

No. 12.

[Translation.]

MEXICAN IMPERIAL ARMY, DIVISION OF MEJIA—GENERAL-IN-CHIEF.

MATAMORAS, November 9, 1865.

GENERAL: I forward you enclosed copy of a communication, dated yesterday, sent to me by D. de la Bedolliero, lieutenant in the French marines, and acting commander of the armed gunboat *Antonia*. You can, by said communication, officially take cognizance or the following occurrences, which include so many flagrant violations of the neutrality which the United States have obligated themselves to keep in Mexican affairs:

First. That the Mexican steamboat *Antonia*, coming up the river with French troops on board, was attacked from the Texas shore without any provocation whatever. Nor was this insult to the French and Mexican flags, which were both floating on the boat, in any way punished.

Second. That the besiegers of Matamoras detached from their lines to attack, from Mexico, the said steamboat, crossed the Rio Grande under arms, without any opposition being made by the American authorities, officers or soldiers, from whom, on the contrary, they received a hearty welcome.

Third. That the same bandits were in direct communication with the American steamboat *Tampico* during the action. The relation of M. de la Bedolliero is confirmed by the unequivocal marks left on the *Antonia* by the projectiles sent from the Texas shore.

Besides this, occurrences of the same character have taken place in the neighborhood of Matamoras during the stay of the enemy. According to the daily reports of the steamers *Paisano* and *Eugenia*, a great number of persons, among whom could be distinguished the uniform of the United States and that peculiar to Cortina's robbers, occupy themselves in insulting and even throwing stones from the city of Brownsville at the troops which man said boats, and this in the presence of the American officers and guards stationed on the bank of the river.

Such outrages, which cannot naturally be explained, have been noted, and relation of them will be transmitted to the Mexican government, and to his excellency Marshal Bazaine, in order that they may decide upon the real character of such actions. Accept, general, the assurance of my consideration.

THS. MEJIA,

Commanding line of the Rio Grande.

The following is a copy of the communication referred to in the foregoing:

No. 13.

[Translation.]

MEXICAN IMPERIAL ARMY, DIVISION OF MEJIA—GENERAL-IN-CHIEF.

MATAMORAS, November 8, 1865.

GENERAL: I have the honor to inform you that, coming up the river Rio Grande with the Mexican steamboat *Antonia*, I was attacked by the liberals posted near Ranchito, on the Mexican side of the river. After the engagement I saw two horsemen crossing the river behind us. They landed on the Texas shore, and a few minutes afterwards three shots were fired at us from that side, almost immediately followed by three more, and yet another—

altogether seven shots. I had a great deal of trouble to restrain my men and keep them from firing into the American shore. I gave the order not to fire on the Texas side under any circumstances whatever, and was strictly obeyed.

The two horsemen who had fired upon us were galloping along the bank in the direction of Brownsville, and I am convinced that they were the same who fired upon us during the last affair, which took place about four miles from Matamoros.

When we arrived in front of the American camp, these two horsemen were prancing up and down, exchanging salutations and shaking hands with the American officers. Several men, wearing the same uniform, and who had no doubt crossed the river after the engagement, had rejoined these two, and seemed to be equally well received by the Americans.

During the morning we were continually annoyed by horsemen, who were firing at us under cover of ranches and chaparral. Arriving at a place called, I believe, Lamparena, we saw the American steamboat Tampico tied up to the Mexican shore and loaded with troops. The liberals continued to fire upon us until we were hid from their sight by the Tampico.

In passing they communicated with said steamboat, and again commenced their fire upon us, when we could not answer them without hitting the Tampico; and when a short time afterwards the superiority of our fire obliged them to fly, they went back to the Tampico again, communicated with her, and then followed us. I presume they went to the Americans to ask either for ammunition or information as to our armament.

I have thought it my duty to make these facts known to you.

I am, general, your very obedient servant,

D. DE LA BEDOLLIERE,
Ensign, Commanding Steamboat Antonia.

Literal and certified copy:

ANSELMO RUBIA.

No. 14.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, November 13, 1865.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 9th instant, and to say in reply that you, as a soldier, must certainly be aware that it would require all the cavalry of Europe and America combined so to picket this river as to prevent single individuals from committing such outrages as Lieutenant de la Bedolliere complains of, and that it would not be just in you to hold me or my government responsible for the acts of such individuals. All that I can do is to try my utmost to arrest the guilty parties, and dispose of them according to instructions; and this I commenced to do before I received your letter, and as soon as I heard of the occurrence.

The soldiers on the Tampico were sick and disabled men who were mustered out, and were on their way to their homes. What crime there could have been in communicating with the liberals I cannot possibly understand. These sick and disabled soldiers had no ammunition, and they certainly could give them very little information.

The fact that there were bullet-marks on the starboard side of the Antonia does not prove at all that the shots were fired from the American side, because, as you must know, the Rio Grande is so crooked and has so many sharp turns that a boat could be riddled on her starboard side and still every shot be fired from the Mexican shore. You complain that my officers and men affiliate with the liberals and welcome them. This is not strange. The liberals claim that they fight for their freedom. Their cause, then, is one that has awakened the warmest sympathies in every American breast. It would be as impossible for me to prevent this, even if I felt so disposed, as it would be to stop the motion of the earth. But I do not feel so disposed. During our late war the officers and men of French and English men-of-war lying in ports in our military possession affiliated continually and exclusively with our enemies, (as at New Orleans and Norfolk,) and yet it was not thought necessary to communicate with them on the subject. They were permitted to choose their own associates.

I have only heard of a single instance when a mob of Mexicans threw stones at your gunboats, and this mob was promptly dispersed by my guards.

I have never heard of a single soldier making insulting remarks, but have heard that Mexicans frequently make them. It would be impossible for me to stop this, because I have not the force to spare for pickets, though I felt disposed to do it; but I do not feel so disposed, because ever since my arrival here you have allowed a sheet, published in Matamoros and printed in the English and Spanish languages, daily to vilify and insult the government, the people, and the army of the United States; and this, too, after your attention and that of Señor Robles had been called to it.

You, general, have no right to complain of my conduct during the recent siege. I permitted the women and children to come here from Matamoros, meat to go over to your citizens who remained, grass for the cows of the same, and wood to enable them to cook their meals. Humanity required this. In return I gave the wounded liberals who were helpless and

destitute shelter, medicines and food. I invariably did this for my wounded enemies. For whom have I done the most in this matter? Is it not about an equal thing?

Again, you promised to release American citizens, after my demand was made, from being pressed into military service under you, contrary to the treaty between Mexico and the United States, and yet yesterday I heard of three that were still held. I believe this to be entirely the fault of your subordinate officers, and do not blame you for it.

Again, you have converted an American steamer into a gunboat and hoisted the Mexican flag on her, without first buying her and changing her nationality, according to law; and against this I hereby protest, and if not remedied, will at once lay the matter before my superior officers.

As Monsieur Cloue, commander of the naval division in the gulf of Mexico, has also addressed me on some of the above subjects, I should be pleased if you would send him a copy of this letter, as I do not wish to correspond with two different commanders.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

General TOMAS MEJIA,
Commanding line of the Rio Grande.

No. 15.

The following is the correspondence between the American commander and the officer in command of the French fleet:

First Letter.

[Translation.]

NAVAL DIVISION OF THE MEXICAN GULF, ON BOARD
THE FRIGATE MAGELLAN, OFF THE RIO GRANDE,
November 6, 1865.

GENERAL: I have been exactly informed as to the events taking place in the surroundings of Matamoras—that is to say, that I am perfectly cognizant of the assistance which the so-called liberals have received and still receive from Texas, and more especially from Brownsville.

The mess stores and munitions of war are furnished by persons under your command. Escobedo's pieces are worked by gunners from your army who are not mustered out of service.

The wounded are received in the Brownsville hospital.

The officers of Escobedo and Cortina daily go to that city (armed) to take their meals or to rest during the leisure hours which the siege of Matamoras leaves them. In a word, Brownsville seems to be the headquarters of the Juarists. And it is undoubted that neither Escobedo nor Cortina could undertake anything if they did not have these continually renewed resources from Texas to sustain them.

I will take the liberty to recall to your memory how very different to what is passing here has been the conduct of France during the recent war which has just torn the American Union. France remained loyally neutral. If it had been otherwise—if we had done the one-hundredth part of what is being done in Brownsville or on the banks of the Rio Grande—the American people would have loudly protested, and they would have been right.

The international laws adopted by all civilized nations are obligatory upon all. As they bound us in honor to remain neutral, so do they bind you also; you cannot pretend to be exempt from rules upon which you have leaned under pretext that they are now useless.

After having presented to you, general, the preceding observations, I close my letter by protesting in the most formal manner against the flagrant violation of neutrality on this frontier, and particularly in Brownsville.

Accept, general, the assurance of my highest esteem and most perfect consideration.

G. CLOUE,
Commanding the Naval Division of the Mexican Gulf.

The GENERAL COMMANDING THE FORCES OF THE UNITED STATES
on the Rio Grande.

No. 16.

General Weitzel's response.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, November 10, 1865.

SIR: I have received your communication of the 6th instant, and return it herewith, as I cannot receive a document so disrespectful to me and to the government I have the honor to represent.

If you have any complaints to make, they will be duly submitted to higher authority, if said complaints are in proper tone and couched in proper language.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Monsieur G. CLOUE,
Commander of the Naval Division, Gulf of Mexico.

No. 17.

Second letter.

[Translation.]

OFF THE MOUTH OF THE RIO GRANDE, FRIGATE MAGELLAN.

November 9, 1865.

GENERAL: I have the honor to inform you that some shot were fired from the American side at a detachment of French marines going up the river on the steamboat Antonio.

According to my positive orders, the officer commanding the detachment recommended to his men not to answer any act of hostility whatever coming from the American side. This order was executed, and will continue to be, whatever happens, because we understand our duty as belligerents, and are determined not to swerve from it. According to international laws, the armed Mexicans who cross your frontier should be arrested and disarmed. With stronger reason do these laws require that you should not tolerate any acts of hostility coming from your side. It is failing in respect to the United States to come upon their territory and from there fire upon our troops without danger.

I am confident, general, that the acts of hostility committed against the Antonio were committed without your knowledge, and I am certain that it is sufficient for me to have called your attention to such deplorable occurrences in order that they be not renewed.

You are probably unaware that the assailants of the Antonio communicated with your troops descending the river on the steamboat Tampico, and, besides, that these same assailants crossed over to Texas in sight of the Antonio, and were seen fraternizing with the United States soldiers.

I had the honor to write to you upon my arrival in regard to the grave occurrences which are taking place on the frontier, and would be happy to learn that you have received my letter.

Accept, general, the assurance of the sentiments of high esteem and consideration with which I have the honor to be your most obedient servant,

G. CLOUE,
Commanding the Naval Division of the Mexican Gulf.

The GENERAL COMMANDING THE FORCES OF THE UNITED STATES
on the Line of the Rio Grande, Brownsville.

No. 18.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,

Brownsville, Texas, November 12, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th instant.

Several days ago I received one from General Mejia on the same subject; but before I had received either I had commenced to investigate the affair, and as soon as I can I will reply to General Mejia, as he signs himself and is understood to be, commander of the line of the Rio Grande on the other side, and because I have neither the time nor the disposition to correspond with two different commanders on the same subject.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Monsieur G. CLOUE,
Commander of the Naval Division of the Mexican Gulf.

No. 19.

[General Orders No. 3.]

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, November 18, 1865.

The Mexican authorities having officially notified the commanding general that the Ranchero has been ordered to cease publishing any articles insulting to our government, people, and army, it is hereby ordered that all officers and soldiers of this command shall not allow any person on this bank to insult any person on the other side of the Rio Grande.

By order of Major General Weitzel:

D. D. WHEELER,
Assistant Adjutant General.

No. 20.

General Mejia to General Weitzel.

[Translation.]

IMPERIAL MEXICAN ARMY,
Matamoras, December 1, 1865.

GENERAL: In answer to your communication of October 24, I will state that I have taken the necessary information in regard to the detention of the individuals whom you ask me to set at liberty.

In none of the edifices which serve as prisons in this city of Matamoras can there be found the persons of James McElrath, Bartley Quinn, or James Smith; but under the jurisdiction of the court-martial are detained Richard Crawford, or Cranford, Carter Smith, and Joseph King, American soldiers, who deserted from your command on the 16th of September last, and were taken prisoners in the neighborhood of Matamoras on the next day, the 17th, in a skirmish which took place between a few of my soldiers and one of Cortina's band.

It is, therefore, impossible for me to set them at liberty.

It is true that a few men of color, of American origin, were employed on the public works or fortifications; but this labor was freely given, and they were paid one dollar each daily.

You see that neither the laws nor the treaties have been violated.

It is also certain that during the last operations in this city several negroes and former United States soldiers were arrested, but they were afterwards liberated. Still, the presence of individuals of this class in the enemy's lines, the projectiles of American manufacture which were thrown over Matamoras, and the passing of Escobedo's artillery indiscriminately to and from Texas on United States transports, justify, in the eyes of my government, such measures of security.

Accept, general, the assurances of my highest consideration.

TOMAS MEJIA,
General Commanding, &c.

Major General WEITZEL,
Commanding Western District of Texas.

No. 21.

*General Weitzel's reply.*HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, November 27, 1865.

GENERAL: In accordance with instructions from Major General P. H. Sheridan, commanding military division of the gulf, transmitted through Major General H. G. Wright, commanding department of Texas, I hereby notify you that if any such outrages on American citizens as I complained of in my letter to you of the 24th of October last are permitted within your lines, no excuse for such conduct will be accepted; that you will not be permitted to commit acts against the United States which are no accidents, and that the government will not accept your personal apologies for your bad faith.

I am further ordered to say to you that hereafter, when any garrison under your command is in a state of siege, no supplies of any kind will be permitted to be sent to such garrison from this side, General Sheridan considering that it would be less a violation of neutrality against the legitimate authority in Mexico to send powder to such garrison.

I am further ordered to stop all intercourse with any garrison during the progress of a siege, except that which humanity shall dictate.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Major General TOMAS MEJIA,
Commanding line of the Rio Grande.

No. 22.

The foregoing communication was returned by General Mejia, with a verbal message, to which General Weitzel returned the following :

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
Brownsville, Texas, December 4, 1865.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 1st instant, in reply to my communication of the 24th of October last.

The three men that cannot now be found in your prisons have long ago been released. If the three men of the twenty-third United States colored troops were captured in the lines of your enemies in arms against you, I have nothing more to say, of course. But for humanity's sake, I ask that, on their trial, your court may take into consideration their ignorance, their ignorance of your language, and the fact that officers and others from the other side induced these men to do what they did under promise of large sums of money. But three pieces of artillery have crossed and recrossed this river, and that only once, and then not on United States transports. But one of my officers, who saw the whole performance, says the guns were dismounted, the carriages taken apart, and the different parts carried over in skiffs. These were brought over to be repaired, and returned as soon as they were repaired.

As I understand you, however, you do not complain of this, nor of projectiles of American manufacture being thrown over Matamoras; but you merely mention them as facts which justified great precautionary measures on your part.

I have also received my communication of the 27th ultimo, returned to me. I must consider it unanswered, as I can receive no verbal reply to a communication written by direction of such high authority as it was.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Major General TOMAS MEJIA,
Commanding line of the Rio Grande.

No. 23.

[Translation.]

We extract, says the *Précurseur* of Antwerp, the following interesting information from a letter of Mr. Heym, sergeant-major and secretary of the Belgian legion, to his parents in Lierre:

DEAR PARENTS: I informed you in my last letter that I was a prisoner of war in Ziran dero; but, before telling of my unfortunate situation, I will give a brief retrospective glance at my sojourn in Mexico.

Mexico may seem a fine country to a pleasure traveller, for wild, picturesque, and magnificent views are extended on every side; but it is certainly a most detestable country to a soldier on a campaign, and such a campaign as ours—a mountain war. We poor little Belgian soldiers, used to all possible comforts, have been greatly astonished at our new mode of life since our arrival. We have been in the field since our landing, garrisoned only a few days at a time. My longest stay was in the city of Mexico, where I remained one month. Except the time when I was a prisoner, I have been constantly going, traversing hundreds of leagues, wading in sand above my ankles one day, almost up to my knees in mud, climbing steep mountains, 2,000 metres above the level of the sea; now lodging under a tent upon the cold ground, at another time sleeping among the ruins of an old convent or an older church, where mosquitoes, ants, fleas, &c., disputed my bed. There are no paved roads; the country is almost a desert, especially in the regions of the *tierra caliente*, which compels us, when we have an excursion into the mountains, to take ten days' provisions in our knapsacks, travelling ten, twelve, and fourteen leagues a day. This may seem exaggerated, but I assure you it is the truth. Besides, in order to give a proof of it, I am going to relate what happened, for want of precautions, during our march from Mexico to Morelia, the capital of Michoacan. Arrived at a place named La Florida, where we bivouacked, they informed the colonel during the night that a band of guerillas were at San Felipe, three leagues from our bivouac. At four o'clock in the morning four companies of the main corps, under the command of a colonel, started, taking only one day's rations, thinking to join the main body that day. At six o'clock in the morning we reached the spot the enemy had just left. We started in pursuit, and marched until six o'clock in the evening, without overtaking them. During the night the colonel received orders to march on Zitacuaro, a small town the dissidents had seized. We had no provisions, but the order was positive and we had to start; all we could get was one ration of bread each. We then started and travelled fourteen consecutive hours, from six o'clock in the morning until seven at night, on this one ration of bread; but as there was a squadron of Mexican cavalry with us, we made them kill beeves

and we ate the meat broiled on coals, without salt or bread. It was only the fourth day, about two o'clock in the afternoon, when we arrived at Zitacuaro, where we had the pleasure of eating a bit of bread, which we had not tasted for three days. To our great displeasure, these beggarly Chinacos, as they are called here, had run away. The city was almost entirely abandoned. We remained there six days, during which we made several excursions, pillaging two villages and a mill. This is what is called making a raid. Each takes for himself; it is who shall get the most; there were only the cattle to divide. We took in this way six hundred head of cattle. These episodes happen very frequently. This will give you some idea of our mode of life.

When we made our entry into Mexico, after passing in review before the emperor, the empress, and Marshal Bazaine, we defiled before the palace, admired by everybody, and were quartered at Chepultepec, the imperial residence, (like Laeken in Belgium,) Tacubaya and Molino del Rey, three pretty places, about three and a half leagues from Mexico. The subordinate French officers of the capital gave us a magnificent dinner that day; only Frenchmen know how to do such things; they are the perfection of gallantry and politeness. Wherever we go we meet Frenchmen, and they always receive us magnificently. We are looked upon by them as countrymen, and are on the best of terms, when we go on expeditions together. Our colonel, Mr. Van der Smissen, is very fond of the French, and has evidently not forgotten his stay among them in Algeria. But it is not so with the Austrians; they can never forget Solferino and Magenta; and in their fist-fights they tear off each other's medals, given to them by their governments for the Italian campaign. An example for dissension was set by the Austrian commander, who, on his arrival at Puebla, positively refused an invitation to dinner given to him by the commander of that city; but things are improving now.

No. 24.

[From the *Idea Liberal*, of Puebla, November 29, 1865.—Translation.]

It having been reported by the commander of the third territorial division that Silvestre Aranda and Zeferino Macias, among others, had accepted the amnesty granted by the decree of the 3d of October, Mr. Macias wrote upon a sheet of paper the following declaration:

"I have seen, with some surprise, a communication from the commander of the third territorial division, directed to the war department and published in the paper called the *Pejaro Verde*, No. 261, of the 4th instant. It is asserted in this that I had petitioned for a pardon, according to the decree of the 3d of October, of this year; but as this is entirely false, I consider it my duty to show it, for my dignity and my military reputation.

"More than a year ago I was beaten in the battle of Matehuala, and since then I have lived quietly in this city. Colonel Garnier, commander of Guanajuato, and the commander of this place, are conscious of this fact, as I went to see them and informed them of my intention. They both received me cordially, and, so far from imposing the least conditions upon me, they offered me every guarantee of personal protection. Some time passed, and on the 8th of May Mr. Nauroi, commander of the place, gave me a safe-conduct from Marshal Bazaine without my solicitation, which they had given me without his authority. Since then I have lived without molestation, attentive to my business.

"These are the facts; this is the truth. It is, therefore, with pain I have seen my name printed in an official paper, stating that I had been pardoned by the decree mentioned.

"Therefore I deem it my imperative duty to refute these assertions; to let my country know, as all the citizens of this place do, that for more than a year I have lived in the midst of my family, attending to my private business. I am very sorry that a man like me, who has lived entirely secluded from public life, has been injured in reputation when facts prove the contrary of the assertion.

"I now ask the commander of the third territorial military division to correct the errors mentioned, and justify my corrections.

"ZEFERINO MACIAS.

"LEON, November 14, 1865."

After assuring that he had not asked a pardon, Mr. Aranda says:

"I was wounded and taken prisoner at the battle of Majoma, the 21st of September of last year, and, with two of my aids and the surgeon, Dr. Encisco, I came to this city, where I have remained since the 8th of May. I was then set at liberty by order of Marshal Bazaine, without any solicitation from myself; and Mr. Nauroi, who gave me the pass, exacted no conditions whatever from me.

"Sick and prostrate from my wound, I have remained since then with my family, devoted entirely to my private business. Now, if the decree of the 3d of October alludes to armed men, I certainly cannot be included among the number, and it affects me in no particular; hence my astonishment that the commander of the third territorial military division has made a report so entirely false to the honorable secretary of war.

"It is unpleasant to enter into the details of such a disagreeable subject; I only desire that the officials may let me alone, and disturb me on no account; but I cannot avoid, on this occasion, the duty of correcting the mistakes injurious to my honor."

*Mr. Romero to Mr. Seward.*¹

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, December 28, 1865.

MR. SECRETARY: I have had the honor to receive the note which you were pleased to address to me under date of the 24th instant, transmitting the opinion of the Attorney General of the United States in relation to the order No. 17, issued at San Francisco, by General McDowell, on the 11th of October last, prohibiting the exportation of arms and articles contraband of war over the southern frontier lines of California and Arizona, and to which subject I alluded in the notes which I had the honor to address to your department on the 14th and 18th of November last past.

I have seen with much satisfaction that the Attorney General of the United States has given it as his opinion that, "if the order of General McDowell was intended to prevent the trade of arms and munitions of war by the frontier," which was the cause of my remonstrance against it, and the only point the revocation of which I solicited, "such order is not in conformity with the laws of the United States bearing upon the subject."

This opinion seems to me to be just and well founded, and I have no doubt that, upon receiving it, General McDowell will revoke his order referred to, should he not previously have done so under the instructions communicated to him by the Lieutenant General of the army of the United States, Ulysses S. Grant, who, I understand, revoked it the moment he heard of it. I this day send a copy thereof to my government, and also of the note with which you transmitted it to me.

I avail myself of this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Letter from President Juarez.

EL PASO, *December 28, 1865.*

MY DEAR SIR: I have received your favor of the 12th of October, in which you acknowledge receipt of mine of 17th of August. You will soon receive, if it is not already in your hands, the one I sent you in November, announcing the withdrawal of the French from Chihuahua and other points on this frontier, and my departure for the capital of this State, where I arrived on the 20th of that month. A few days afterwards, however, and without our being able, up to the present time, to learn the object of so many marches and counter-marches, the enemy again commenced a new expedition to reoccupy Chihuahua, which took place on the 11th. On the 9th I left there, and on the 18th arrived here without incident. By these movements the enemy has in no way improved his situation; he is only consuming his last resources and demoralizing his forces. With the attitude that the government of the United States has lately assumed, Maximilian has now not the slightest probability of cementing his so-called throne. He must see very clearly that even should he arrive at the complete conquest of the country, occupying with his forces, even to the utmost limits of the republic, and destroying the national government, which, however, will never take place, the United States will never permit him to consolidate his power, and his sacrifices and his victories will have counted for nothing. This certain result is already in the conviction of all. It has augmented the increasing discouragement of our opponents, and has reanimated

the public spirit on our side to such an extent that, in my judgment, without the necessity of the United States taking any direct part in our war, we shall ourselves alone be able to obtain the definitive triumph of the cause of the national independence. Such is my desire, and to such result all my efforts are directed. Although Napoleon, from his pride and the habitual depreciation with which he has treated us, may not be ready to propose terms, yet the time is soon coming when he will be glad to accept those we proposed before the war. For ourselves, we will neither propose nor accept anything, absolutely nothing, which, in the slightest degree, can imply any recognition of the intervention, or that may be contrary to the honor and dignity of the country. Have but a little patience, and the time will soon come when you can return to our country, free at last from all its oppressors.

Truly, your friend,

BENITO JUAREZ.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, December 29, 1865.

MR. SECRETARY: I have the honor to transmit you the copy of a communication I received to-day from Mr. Lerdo de Tejada, minister of foreign affairs of the Mexican republic, dated in the city of Chihuahua the 21st of November last, informing me of the return of the constitutional government of Mexico to that city.

I also send you a supplement to No. 121 of the official paper of that government, published the same day with the circular of the minister of relations to the state governors, informing them of the restoration of the federal government in Chihuahua, and an article describing the enthusiastic demonstrations with which President Juarez was received by the inhabitants of that city.

Recent events in Chihuahua give the best proof of the instability of the edifice the French are trying to erect in Mexico. On the last of August a considerable French army approached the city, and the national government was compelled to abandon it; the invading army took possession of, but could not hold it, and soon afterwards left; constitutional order was established the same day, without the aid of any armed Mexican force, in the place or near it; the chief of the nation soon returned, and was received with the greatest demonstrations of joy, as the true representative of national independence, a blessing they now appreciated the more as it was so near being lost.

I must also remit to you the copy of a letter written from Chihuahua, the 27th of October, by the Mexican citizen Jesus Escobar y Armendariz, who was formerly attached to this legation, and was a victim of French persecution on account of his patriotism in Chihuahua, the 16th of September last, the anniversary of Mexican independence, and to whom I referred in my note of the 12th of November last to your department.

The simple account Mr. Escobar y Armendariz gives of the sufferings he endured by reason of his love for his country, and his resolute determination not to submit to the absurd pretensions of the invading tyrant, show the exact feelings of the Mexican people in regard to French intervention, and that like him, there are many other citizens whose sufferings are not known to us.

I profit by this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, BUREAU OF RELATIONS—SECTION FOR AMERICA—No. 393.

CHIHUAHUA, November 21, 1865.

As you will see by the circular issued yesterday from this department, and inserted in the printed paper accompanying this note, the President of the republic left Paso del Norte the 13th of this month, and reached this city yesterday, where he has determined to fix the residence of the national government for the present.

You will also see in the same paper an account of the public demonstrations on the reception of the President, which furnishes a new proof of the patriotic sentiments of the generality of Mexicans against French intervention.

I protest to you my attentive consideration.

LERDO DE TEJADA.

MATIAS ROMERO,

Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic.

No. 2.

[Supplement to No. 121 of the official paper of the constitutional government of the Mexican republic, Chihuahua, November 21, 1865.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT.

[Circular.]

The citizen President of the republic left El Paso del Norte the 13th of this month, and arrived in this city to-day, where he has determined to locate the national government for the present.

The foreign invader remained but a few days at a time at any place in the very patriotic State of Chihuahua, and soon withdrew, without leaving a single officer to organize a government. He has thus been obliged to confess his inability to extend his dominion over the State and keep it; and that if, unfortunately, he found a few ungrateful children in Mexico, he found the great majority rejected the foreign yoke, that has only been imposed where bayonets could penetrate. The temporary plan of intervention will soon disappear from every part of the territory.

The President of the republic has returned to this capital amid the greatest patriotic demonstrations of its citizens: and he will continue to do his duty, as he always has done, in adversity as in prosperity, sustaining the cause of independence and the institutions of the republic.

Independence and liberty! Chihuahua, November 20, 1865.

LERDO DE TEJADA.

Citizen GOVERNOR of the State of ———.

No. 3.

[Translation.]

Reception of the President of the republic in the city of Chihuahua.

The return of the President of the republic to the capital of this State, where he arrived yesterday morning, has given a new impulse to the well-known patriotic sentiments of the inhabitants of this city.

The governor of the State, the city council, and a large number of distinguished citizens went out as far as Nombre de Dios to receive the supreme magistrate of the nation.

This procession met that from El Paso, with the supreme government. The President's carriage, containing himself and Governor Luis Terraza, took the lead.

Crowds of people afoot, on horses, and in carriages, joined the procession all along the road and went as far as the northern limit of the city. There were many ladies in carriages. On the way from the city boundary to the national palace streamers of national colors were fixed on staffs at intervals. The national guard, composed of merchants and artisans, formed a square and received the chief magistrate of the nation with great honor. The doors and windows of the houses were decorated with curtains. The houses, the streets, the roofs, the squares, the church of San Francisco, and the college were crowded with people, who gave unequivocal evidence of the pleasure they took in a celebration which seemed a solemn vindication of outraged national rights. The ringing of bells, the bursting of rockets, and

other demonstrations of political enthusiasm completed the beautiful picture we are attempting to delineate.

The entry to the national palace presented a still more imposing sight, as beautiful as unusual. The principal ladies of the city, numbering more than fifty, elegantly dressed, were arranged in two rows, waiting for the President of the republic. Venerable matrons and young beauties contributed their homage of exquisite delicacy to the representatives of patriotic nationality, which it was almost impossible to behold with dry eyes.

When the patriots and ladies had assembled in the principal hall, young Julio Jaurieta read a feeling and sympathetic poem to the President, congratulating him on his constancy and abnegation. The interpreter for the ladies' congratulations had the special recommendation to be one of those deserving young men who provoked the anger of the French and suffered their insults for having celebrated the 16th of September last with expressions of dislike to foreign rule.

President Juarez, deeply moved, expressed his thanks for these attentions, and praised the ladies of Chihuahua, saying no nation could perish whose inhabitants had mothers, sisters, and daughters, such models of virtue and patriotism.

Before the ladies withdrew, the President of the republic requested them to join him in a toast, in which he wished again to express his gratitude for the attentions of the fair sex, examples worthy of imitation by those who ought always to respect the supreme authority.

The poor of the city, in their turn, came to greet the President, who was much pleased at this demonstration of esteem.

At two in the afternoon a sumptuous table was spread by the governor and military commander of the State, to welcome the President's return to the city. It was attended by the refugees accompanying the President and the notabilities of the city.

This banquet, elegantly arranged and served, was prepared by the first ladies of the city, who wanted to offer this additional testimony of their esteem for their worthy President.

At table many toasts were drunk to the President of the republic, to the ministers of relations and government of justice and the treasury, to the State governor, General Ignacio Mejia, Judge Laureano Muñoz and many others.

Most of the toasts were in honor of Chihuahua, for her noble conduct in opposing the invasion and French intervention, not only with arms, but morally, refusing to act with them in any way, so that they had to retire without organizing a government, and followed by a few vile traitors. The other toasts were to the happy return of the President of the republic to the city; for the prompt conclusion of the difficulties; to the memory of Generals Meoqui and Ojinaga; to the men who celebrated the 16th of September; to their distinguished companion and patriot Jesus Escobar y Armendariz, the victim of French fury; for the punishment of the unfortunate Ojinaga's assassins; and for brave citizens everywhere who are disposed to sustain the glorious work of preserving national independence.

The dinner closed about dark, and the greatest cordiality and animation reigned through the entire repast. At night the whole city was illuminated.

The 20th of November, 1865, will be a memorable day in the history of Mexico, on account of this celebration, showing the good will and enthusiasm, the exquisite delicacy of the capital of the State of Chihuahua, after letting the invaders know that brute force is not enough to subject national will, in receiving the President of the republic, whose authority, without coercion, rests solely upon the love of the people, a love which he will always try to win and to merit, with the firm determination to consecrate all his cares and labors to the post that has been conferred upon him, and to defend the independence and sovereignty of the nation.

No. 4.

Mr. Escobar to Mr. Romero.

[Translation.]

IN PRISON FOR THE LOVE OF MY COUNTRY,
Chihuahua, October 27, 1865.

MUCH ESTEEMED FRIEND: On the 16th of September a mass was said at the tomb of Hidalgo, attended by the greater part of the citizens of Chihuahua. The ladies clad in mourning, a flag at half-mast, and black crape in token of a nation's mourning, and that of the State for the death of the young governor, Ojinaga, were the sole adornments of the altar; tears and flowers were the offerings to Hidalgo.

This was worth more than a victory to the national cause, although I was the victim. I was dining with twenty of my friends, on the evening of the 16th, celebrating, in our way, the anniversary of independence, when the police fell upon us, with orders to arrest me—me only—as the leader of the movement; but my friends would not leave me, but all agreed to go to prison with me. Then the judge came, seized our flag, the prime offence, and sent us to jail, where we remained eight days, when all were set at liberty but me, who had to pay

a fine of one thousand dollars. General Brincourt sentenced me to one month's close confinement at hard labor, and could not be induced to release me, though the merchants liberally offered large sums of money to procure my discharge. So I had to sweep the streets for a month; at first the square, and then the street where the general lived. Ladies came out to give me flowers, and I was having a good time in the streets where I had to work, when, to stop it, an order was issued, commanding any lady to be taken to prison who offered me flowers, or any other attention; and the time was discounted, and I had to begin again every time I admitted such attentions. So these attentions were postponed till I should be liberated; but, alas, who could tell when that would be? When my term of service was out, instead of being set at liberty, I received an order of banishment, *because* (and the judge read the despatch to me) *I had openly refused to submit to the empire.* In fact, I had told the general frankly I could not adhere to a government so opposed to my principles, particularly when he had said he would respect opposing opinions, and not prosecute those who entertained them; and he positively promised, after confessing that I was subject to no penalty for what I had said, that I should not be molested provided I kept the peace. This was necessary, as I had to be tried by court-martial on the 1st of this month if I did not present myself. The fact is, I am yet in prison, waiting for my order to depart, without knowing where I am to go; but most probably with the general and his troops, who have begun to evacuate to-day, and will all be gone by the day after to-morrow. Mazatlan has also been evacuated: the object seems to be to concentrate the forces against the firm resistance of the native patriots. All the government officials of the empire leave with the French, as they would not be safe a single day without them. They have a great dislike to me, and who knows what is to become of me in their hands? My friends think me in great danger, but I can remain calm and firm, and will not hesitate an instant, as I consider it my holy duty to resist. If they release me, I will instantly quit them. I greet you with my friends. I have time for no more; it is scarcely prudent to do this.

Adieu, my good friend; and may our country remain independent.

J. ESCOBAR Y ARMENDARIZ.

MR. MATIAS ROMERO.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, December 30, 1865.

MR. SECRETARY: I have the honor to send you, for the information of the United States government, the documents expressed in the accompanying index, showing the state of affairs on the oriental line of the Mexican republic, including the States of Vera Cruz, Tlaxcala, Puebla, Oaxaca, Tabasco, and Chiapas.

In these documents you will find despatches from General Garcia, chief of the said line; from the governor of the State of Chiapas; and a very important report of General Baranda, commissioner of General Garcia.

I accept this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington, with the note of this date, to the Department of State of the United States.

No. 1. September 28, 1865.—The constitutional governor of the State of Chiapas communicates to Mr. Romero the good feeling and enthusiasm of the people of Chiapas for the cause of national independence.

No. 2. September 29, 1865.—From the same to the same on the same subject.

No. 3. November 3, 1865.—Colonel Figueroa's official report to General Garcia of his action with the enemy on the 12th of October last, and the occupation of Teotitlan del Camino, as the result.

No. 4. November 11, 1865.—General Garcia reports to President Juarez the state of affairs on the line of his command.

No. 5. December 30, 1865.—Report of General Baranda, commissioner of General Garcia, on the state of affairs on the eastern line, to the Mexican legation at Washington.

No. 1.

[Translation.]

CONSTITUTIONAL GOVERNMENT—CHIASPAS.

HONORABLE SIR: I take great pleasure in congratulating you, in the name of the people of this State, under my command, on the brilliant success you have achieved, by remaining in your position as minister near the government of that great nation, for the good of Mexico, in whose favor that gigantic people has always felt the greatest sympathy, and especially now, when a foreign enemy is endeavoring to conquer the country.

May these wishes be the sincere expression of the sentiments of patriotism that animate these people for the good of a cause which is not theirs exclusively, but a vindication of entire humanity, and at the same time of attachment to your person. The people of this magnanimous but unfortunate republic promise themselves much from the enlightenment and highly patriotic sentiments you have shown in favor of the country that gave you birth, and, in this belief, they raise their vows to Heaven for your preservation, and unite their efforts with yours in endeavors to recover our rights, so unjustly usurped.

Accept, Mr. Minister, the protestation of my distinguished consideration and esteem. Our country and liberty! Tuxtla Gutierrez, September 28, 1865.

J. PANTALEON DOMINGUEZ.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary of the
Government of the Mexican Republic near the Government
of the United States of North America, in Washington.*

No. 2.

[Translation.]

Private correspondence of the governor of Chiapas.

TUXTLA GUTIERREZ, September 29, 1865.

MUCH RESPECTED AND ESTEEMED SIR: I do myself the honor to address you, for the purpose of informing you of the situation of the States constituting the new eastern coalition, that you may have the pleasure of seeing the great progress they have made in defence of the national cause, so iniquitously opposed, without right or reason, by the sworn enemies of all progress and advancement.

After the deplorable loss of Oaxaca and the capture of the worthy general-in-chief of the old eastern line, the States forming it were reduced to political entities, isolated and independent, and weakened in power for want of a central union, which had ceased to exist in consequence of those recent events. But this state of things was soon changed.

The States of Chiapas and Tabasco had already agreed with the coast towns south of Vera Cruz, through their respective governors, upon the necessity of renewing the bonds of union between them, to insure greater strength and respectability. As soon as they had been dismembered, they accredited their respective commissioners, who met in the capital of Tabasco, and proceeded, according to instructions, to appoint a new chief to fill the vacancy. General Alejandro Garcia, who was chief of the southern coast, was the person selected. In this manner these States gained greater strength to resist the advances of the enemy, and silence his boasts and threats.

Public opinion is now firm and uniform in all of them, and the people are disposed to continue the struggle without hesitation and with a true faith in the future.

The last news from Oaxaca is of the greatest importance; an uninterrupted series of victories has been achieved, promising a speedy return of the republican forces to that capital. They are now cruising in various directions, disturbing and checking the imperial government everywhere.

The people of the Zongolica highlands have arisen, and, following their example, many towns of Vera Cruz and Huasteca have done the same. The town of Juchitan continues here the old constitutional government firmly and uncompromisingly, and it is to be hoped it will soon help Tehuantepec, where I have sent forces from this place for that purpose.

There is a detachment of the enemy in Jonuta that came from Yucatan, but it is certain it cannot withstand the considerable force sent against it from this State and the State of Tabasco.

Peace and public tranquillity have become proverbial in the towns under my command, and they are likely to continue; but if they should be disturbed, contrary to my belief, I assure you the normal condition will soon be restored, or I shall pay the last tribute I owe to my country.

Such is our actual situation, and I hope it will improve daily, if fickle fortune does not turn against us.

Please accept the expressions of consideration and esteem with which I have the honor to subscribe myself your most humble and obedient servant,

J. PANTALEON DOMINGUEZ.

Senor Don MATIAS ROMERO, *Washington.*

No. 3.

[Translation.]

[From the Boletin Oficial, vol. 1, No. 18.—Tlacotalpam, November 16, 1865.]

NORTHERN LINE.—HEADQUARTERS OF THE COLONEL IN COMMAND.

On the 12th of last month I made a feint to attack the town of Orizaba. On hearing of my approach the troops put themselves on the defensive within the walls. At a league and a half from the town I made a countermarch in the direction of Tehuacan. The garrison of Teotitlan had left that place and assembled in Tehuacan, to defend it, as they had done at Orizaba, and our cavalry immediately occupied the deserted place.

The enemy, vexed at my deliberate march through the valley of Tehuacan, at a league and a quarter from the town, sent out one hundred and fifty Hungarian horse, who, after many efforts, managed to surprise us, and succeeded in cutting off eighty infantry recruits who happened to be serving as a rear guard that day. A few arms were lost, but those that remained on the battle-field were gathered up, when we struck our tents. The enemy's cavalry fled in all haste as soon as they got sight of our advance guard. Our cavalry, numbering one hundred and seventy, are stationed five leagues from Tehuacan, and keep the enemy in constant alarm.

I congratulate you on the reoccupation of Teotitlan del Camino, which cuts the enemy off from all hope of communication, by direct route, with the pass; and all the people around them are opposed to them. I beg you to make this known to the President of the republic.

Independence and the republic! Ixcatlan, November 3, 1865.

LUIS P. FIGUEROA.

General ALEJANDRO GARCIA,

Chief of the Eastern Line, Tlacotalpam.

No. 4.

General Alejandro Garcia.

[Translation.—Extract.]

Tlacotalpam, November 11, 1865.

MY VERY DEAR FRIEND: * * * * *

Colonel Figueroa made a raid through Zongolica, Orizava, and Tehuacan, near the end of last month, and on the 29th the Austrians cut off his rear-guard, causing him some harm; but he recovered very soon, returned to the charge with the rest of his forces, and routed his adversaries, taking Teotitlan, whence he sent his cavalry advance five leagues from Tehuacan, without being attacked by any one as yet. I am now trying to send him some artillery, as he informs me he has lost all he had.

I will dwell upon this feat of Figueroa, because the enemy's newspapers say he was completely routed; and if any of them reach you, you may know what to believe.

Since my last letter I have had no news from the northern part of the State; but I am not surprised at it, for the principal roads are held by the enemy; and I have full confidence in the valor and military skill of General Alatorre, who I have no doubt will keep things in good order in that quarter.

Tabasco and Chiapas preserve the same hostile attitude and undisturbed tranquillity, although the enemy's newspapers say the imperialists are preparing an invasion of the former of those States.

Another invasion of this part of Vera Cruz is also threatened; but as the invaders need all their disposable forces along the coast, they can do nothing here till the re-enforcements they have been expecting so long from France shall reach Vera Cruz.

I wish you, as always, the best health, and sign myself your true friend,

ALEJO. GARCIA.

Citizen BENITO JUAREZ,

President of the Mexican Republic, Villa del Paso.

No. 5.

[Translation.—Extract.]

MEXICAN REPUBLIC.—MILITARY LINE OF THE EASTERN STATES.—COMMISSIONER OF THE GENERAL-IN-CHIEF.

CITIZEN MINISTER : I am commissioned by the general-in-chief of the eastern line of the republic to inform you, and through you the supreme national government, of the imminent danger these States are in of being invaded by the enemy, and probably conquered, though their inhabitants are determined to defend themselves at all risks, if you cannot contrive some remedy to prevent it.

As might be expected at this season, my journey has been tedious, and this is the first opportunity I have had to send you the communication of the general-in-chief of the eastern line, and the one I beg you to transmit to the supreme government.

After the loss of Oaxaca, in February last, and the capture of General Porfirio Diaz, in command of that line, the eastern States would have been left in the most dangerous confusion if the good sense of the governors of Vera Cruz, Tabasco, and Chiapas had not prompted them to contrive means to prevent the serious consequences of existing anarchy (for there is no constitutional provision in the emergency where the only representative of the supreme government is wanting) by establishing a central authority and forming a compact of common defence, which began to exercise their powerful influence, thus dispersing the gloom caused by the reverses at Oaxaca. The choice made by the supreme government of a chief, to fill the place of General Diaz, in conformity with that made by the States, to the satisfaction of the inhabitants, increased the confidence the people have always had in the chief magistrate of the republic, and order was immediately restored without the slightest disturbance.

Before and after this supreme decree the reconstruction of the eastern line has been continued; and if it is not now complete, the enemy has been left in quiet possession of but very few places.

The State of Vera Cruz has regained its northern half, and has organized its forces with the same discipline and order as those on the southern coast, under General Garcia, and has succeeded in repelling the enemy at every invasion; and, moreover, has recovered the territory on the Perote road almost to the gates of Jalapa.

The important canton of Zongolica, the advance guard, in the vicinity of Orizava, drove out the Austrian garrison that was oppressing it, and annexed itself to the State to which it had always belonged, (Vera Cruz,) after a hard contest, with the garrison of Orizava, that could not see with indifference a troop of the loyal defenders of their country at such a short distance from them.

The possession of Zongolica is most important, as it completes the northern line, running parallel with the road from Vera Cruz to Orizava, where a very active war is waging.

The Alvarado bar is in the power of the enemy, held by two French war steamers; and though it is only eight leagues from the city of Tlacoalpan, the State authorities have never ceased to hold their headquarters in that place. It has been visited occasionally by the steamers from Alvarado, but the system of defence adopted does not give the enemy a chance to display their superior war vessels and artillery with impunity, as they usually do.

Ten months have passed since the enemy abandoned the Coatzacoalcas bar, because they could not blockade it, being very dangerous by sea, and quite accessible by land to the constitutional forces. They will not soon forget the warning they got at this place. The rest of the State is subject to the governor and military commander, and they have given the best proofs of their patriotism and determination to defend the country.

The State of Tabasco, having driven the enemy out with great courage, at the beginning of this year, is now resting from the efforts of that desperate struggle. It has not failed to collect new means of defence; fresh forces are drilled every day, and their enthusiasm and resolution continue to increase. The enemy have respected this imposing attitude. A place near Campeche and the town of Frontera, at the Grijalva bar, (where there are two war steamers,) are the only points in possession of the enemy, and he is there constantly molested by our forces.

The State of Chiapas, after driving out some traitor bands that were desolating the land, and who sought shelter in the neighboring republic of Guatemala whenever they were pressed, (formerly this privilege was denied them,) has been troubled by no other invasion.

This State is also distinguished for the bravery of its sons, worthy defenders of the holy national cause, who did not cease to battle till they had ejected the last invader from the soil. Now it is free from the scourge, but will always be ready to oppose the invaders whenever they appear.

The campaign in Oaxaca was carried on as long as possible, considering the scarcity of means and the destruction of all its resources and means of defence during the former campaign. One force of about a thousand men, that routed the enemy several times, and went

as far as the State of Puebla, now hold the mountains and harass the enemy incessantly. This will be the base of future operations for the complete recovery of the State.

We have not been able to get possession of Puebla and Tlaxcala, though there are patriots in both States who never lay down their arms an instant, and the constitutional governor of the last is in the field with a considerable force. Early last year the enemy had possession of most of the three States mentioned; but they were so often routed, they have discovered what a determined people can do when forced to defend their independence; and the few times they have returned, they have been so badly whipped, they now consider fighting in the "hot country," as they call it, very dangerous. Owing to this justly inspired terror, these States have been suffered to enjoy peace for some time; and the people, without neglecting their holy cause, have been able to hold their State and general elections within the time prescribed by law, and in the midst of the war.

The general-in-chief of the line, convinced of the necessity of the step, has kept the judicial authorities in the free exercise of their duties, even in a state of rigorous siege. This guarantee, and all others enjoyed by the inhabitants within the lines, induces them, without exception, to adhere to the cause, and contribute all their strength to its defence.

The admiration and respect that is professed for citizen Benito Juarez in all the eastern States, on account of his constancy and decision in sustaining the national cause, will cause his remaining in his thorny post to be considered as the best guarantee for the triumph of the Mexican cause, and will dispel the fears that began to arise when it was thought he would go out of power.

From this slight sketch you will see the spirit that animates the good sons of the eastern States, who have never ceased for a moment to resist the odious French intervention and the so-called empire that has sprung from it. No more sacrifices could be asked of them; they have fought with courage and determination, and almost without means.

I have the honor of protesting to you the assurance of my respect and esteem.
Independence and liberty! Washington, December 30, 1865.

P. DE BARANDA.

Citizen MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington.*

Mr. Romero to Mr. Hunter.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, January 6, 1866.

MR. SECRETARY AD INTERIM: I have the honor to transmit to you, for the information of the government of the United States, the documents expressed in the following index, brought from Mexico by the last Vera Cruz steamer, which show the state of things in the eastern part of that republic in the middle of December 1865.

I embrace this occasion to renew the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM HUNTER, &c., &c., &c.

List of documents sent by the Mexican legation in Washington to the State Department of the United States with the note of this date.

No. 1. December 3, 1865.—Letter of a merchant in Jalapa to his correspondent in Mexico, giving a detailed account of the battle of Tlapacoyam.

No. 2. December 7, 1865.—Several letters from Vera Cruz, with notices of the arrivals of French re-enforcements and munitions of war.

No. 3. December 14, 1865.—Letter from General Tapia to Mr. Romero, informing him that he has been exchanged by the French and returns to the national army.

No. 4. December 15, 1865.—Letter from a Mexican citizen in Puebla, who sends the preceding, and gives some account of General Tapia's sufferings.

No. 5. December 17, 1865.—Letter from a commercial house on the financial situation of the usurper.

No. 1.

[Translation.]

JALAPA, December 3, 1865.

MY ESTEEMED FRIEND, DON FELIPE :

I did not write to you to tell you about the fight in the sierra, because I did not know the particulars ; but now I can tell you something about it. We lost over 50 arrobas of tobacco on the way to Tezuitlan. On the 22d the republicans repulsed the imperialists, but the latter soon returned with 2,000 men and eight rifled cannons to attack 600 with three mountain pieces. The latter fought like heroes till their ammunition was exhausted ; their loss was 40 killed and as many wounded ; three officers killed, one of them Colonel Manuel Ferrer, and two wounded, one of whom was Major Vicente Acuna, a very brave officer. They retired in good order, and the imperialists entered the town, sacked it, and burned a portion of it. The Spanish subjects have laid their claims before their consul, and so have those of Actopam ; but the rest of us have to lose and say nothing.

Ferrer commanded a redoubt with sixteen soldiers and one officer. When their ammunition was exhausted the commandant ordered them to retire, as a column was marching upon them. Ferrer took a gun, with a few cartridges, and used them against the enemy. He then mounted the ruins of the redoubt, drew his revolver and made good use of its five loads. The enemy being now very near him, he threw his revolver away, crossed his arms, and waited for the final shot that killed him. The Austrians stripped him of everything—a man who had acted with so much valor—and their leader offered a handsome present for the dead man's sword.

The republicans lost one of their three cannons, and the imperial loss was considerable. The church of Tlapacoyam is filled with their wounded, and there are many in the houses at Tezuitlan and Perote. They buried Ferrer with the honors of his rank, and two Austrian officers, one of whom, it is said, was a prince. The republicans withdrew to Istacuaco or Maria Latorre, where it seems they are fortifying themselves.

These particulars are furnished by merchants from Tlapacoyam and Tezuitlan recently arrived at this place.

No. 2.

[Translation.]

VERA CRUZ, December 7, 1865.

Landing of another re-enforcement of French soldiers.

Yesterday, immediately after the departure of the American steamer Manhattan, one thousand two hundred French soldiers, who had arrived on the previous day, in the transport Amazone, direct from abroad, were landed at Vera Cruz. To-day this force was sent into the field.

Preparations for the protection of Vera Cruz.

Preparations are going on for the protection of Vera Cruz, especially on the land side. The earthworks thrown up by the liberals some time since are being repaired and strengthened. This is "odd," in one sense. French engineers have been boasting that Mexican generals and engineers were of no account ; but now it seems they can find no plan which is better for the defence of this place than the one recognized by the Mexicans, and so the French and other foreign engineers here have adopted it.

VERA CRUZ, December 9, 1865.

Significant preparations continued for an extensive war.

On close observation, and after careful consideration of the very significant preparations going on in the neighborhood of this city, and at other points within the control of the imperial commander of this department, it does seem as though the French did not intend to withdraw, but, on the contrary, were making every preparation to meet the United States in arms at an early date. This is not the mere opinion of a "newspaper correspondent," but it is the belief of "solid men," who stand high in society and reason with sound and accurate judgment.

Mysterious proceedings at Vera Cruz.

The fortifications (especially the earthworks) around the city of Vera Cruz are daily being strengthened. The best of guns are being mounted, and the work is generally performed at night, and an attempt made to do it in secrecy.

More important military transactions.

On the 6th instant the French bark *Minos*, from Port de France, Martinique, arrived off Vera Cruz, loaded with munitions of war, while on the 3d instant a long train was sent to the city of Mexico, loaded principally with cases of arms. There were several pieces of artillery with the train.

Almost daily we hear and read of "important imperial victories," in which the imperialists attacked strongly fortified towns, and carried the fortifications only after a long and hotly contested battle. The results are as follows, on an average: captured from the enemy, four of his horses and two men; killed two men and four wounded. Loss on the imperial side, one killed, three wounded, and sixty missing.

VERA CRUZ, December 11, 1865.

The French accumulating ammunition.

All day to-day the French have been landing munitions of war, and conveying the same from the mole to the storehouses.

The Germans in Mexico

who voted for intervention are now very sorry for having done so, as trade was never so dull here as it is at the present time. On the occasion of the late visit of the empress to Vera Cruz it was the Germans who contributed most to make "the reception" as great an affair as possible, the royal party having remarked the hitherto cold behavior of the residents of Vera Cruz.

The fortifications of Vera Cruz.

The condition of Vera Cruz, in a military point of view, is becoming very interesting to the government of the United States, as the French are changing the guns upon the fortifications, and putting heavy and new ones in the places occupied until recently by light and old pieces.

VERA CRUZ, December 13—midnight.

The French are now landing munitions of war very fast, and in large quantities. For the last two days they have been working night and day at this.

Still they come.

The last arrival of French troops was on Monday afternoon, when twelve French officers and two hundred and forty-one French soldiers of the foreign legion, and one hundred and thirty-four employés of the wagon-train corps, were landed.

A bearer of despatches is here, on his way to Washington, charged, it is reported, with the delivery of communications of great importance to the United States government.

No. 3.

[Translation.]

MEXICO, December 14, 1865.

MUCH ESTEEMED FELLOW-CITIZEN AND FRIEND: The respects you sent me by Colonel ———, of Puebla, have been received, and it is with much pleasure I return the compliment.

I am also gratified to inform you that I was exchanged in Michoacan, on the 10th instant, and have been at full liberty ever since. I am now on the march, with a safe conduct, to rejoin the republican forces. At last, after sixteen months of the most horrid and cruel imprisonment, and forgotten by the world, I have come out uninjured, and go to fulfil my duty towards my country.

I beg of you to make this known to the President of the republic, and accept for yourself the esteem and attentive consideration of your affectionate friend and servant,

SANTIAGO TAPIA.

Citizen MATIAS ROMERO.

No. 4.

[Translation.]

PUEBLA, December 15, 1865.

VERY DEAR AND RESPECTED SIR: * * * *

Mr. Riva Palacio D. Vicente, who had left the country, as the papers said, because he was deserted by his men, has just effected an exchange of the Tacambaro prisoners for some

Mexicans, and among them are General Santiago Tapia and General Juan Ramirez, who were here.

The former had been sixteen months in prison, and conducted himself with great magnanimity. When released, General Thun asked him where he wanted to go. Tapia replied, "A republican general always joins his own party to fight for his country."

Although Tapia's family is living in Matamoras in great distress, the good republican general did not think to visit it, but left on the 11th instant to find Riva Palacio, and offer him his services. Poor, miserably poor, he managed to reach Mexico, whence he wrote to me on the 14th, saying he intended to remain there to raise means, and mentioned the condition of his family to me, and I recommend them to you, that you may get the government to send them some assistance to Matamoras.

No. 5.

Extract from a letter written by a commercial house in the city of Mexico.

[Translation.]

MEXICO CITY, December 17, 1865.

The three loans put upon the market since the establishment of the empire have burdened the nation with a new debt of nearly eighty millions of dollars. Of this sum only a small part, amounting to about eight millions of dollars, has been really used for the public service.

The rest has disappeared in the amount withheld for interest in advance on the loans, the difference between the nominal value of the loans and the price at which the bonds were sold, commissions to various bankers and others, expenses of operations on the Bourse, payment of the French army, return of sums advanced for the support of the Mexican forces, subvention to the line of steamers from St. Nazaire, payments on account of the civil list of the emperor, presents to various favorites, and remittances to Miramar.

In consequence, the finance commission in Paris has at the disposition of Maximilian only a small balance, which will be barely sufficient to cover expenses during the month of January.

MEXICO, December 17, 1865.

Although not in round numbers, on account of the danger of intrusting the exact figures to a letter, I propose to give you some idea of the amount of the late loans, their distribution, and the sums that remain to be disposed of, reserving for some perfectly safe opportunity the transmission to you of the exact balances and the total amount of the foreign debt since the creation of the empire.

The acquisition of these important documents will reveal to the world the infamy that has been perpetrated in seeking to load Mexico with enormous sums that have only served to pay the war expenses of France, and to enrich our sovereign and other high personages connected with the present order of affairs.

Perhaps in this letter I may be able to enclose you a copy of the *revista* which is periodically sent to the United States, and in that you will find further details of the financial situation of the empire, but, as it may not be possible, I give you here some idea of it.

Total product of the loans, 360,000,000 francs. Of this—

The French army has received.....	\$12,500,000
Bankers' commissions.....	5,000,000
Invested in the French rentes for the conversion of the first loan.....	4,000,000
Interest on the English debt.....	6,000,000
Difference between 100 francs and 63 francs, which was the selling price.....	26,500,000
Reserved for interest in advance on both loans, (discount less than 63 francs,) commissions, brokerages, and other expenses.....	7,500,000
Received in Mexico.....	8,000,000
	69,500,000
Balance remaining to the government.....	2,500,000
Total.....	72,000,000

Equal to 360,000,000 francs.

From the above sum that remains, there has to be paid on the 15th February, the stipulated time, the last payment that remains to be made on account of the famous claim of Jecker, which was settled at five millions of dollars, and of which three millions have already been paid. The remaining sum of \$500,000 has already been drawn for to cover advances

made by the French to the Mexican army in October and November, and two hundred thousand dollars on account of six hundred thousand due to Maximilian for salary up to the end of December.

The convention of Miramar, as it was signed on the 10th April, 1864, has been fully and duly carried out, there having been paid monthly to the expeditionary army \$471,000, which is the sum monthly accruing, and which has been paid up to the 30th November of this year. In this way it is easy to see how it is that only the sum of \$800,000 has remained to come to Mexico.

From the estimate of expenses for December, January, and February, 1865 and 1866, an idea can be formed of the sum expended by the government of Maximilian. It amounts to \$10,000,000. The income from national revenues is estimated at \$3,500,000. The balance of the loans is \$2,500,000, thus leaving a deficiency of \$4,000,000. But if, as I believe, the two millions to Jecker shall not be paid, and which are included in the above ten millions of expenses, nor the subvention to the railroad, or the \$60,000 which are remitted monthly to Yucatan, nor the \$15,000 monthly which are remitted to New York for the press and other purposes, as well as various other sums which are not vitally indispensable, I believe that without other sources of supply the existence of the government may be prolonged until the end of February. From that time forward, neither by the greatest extortions, nor by duplicating the exactions of to-day, can its existence be prolonged for six months more.

Mr. Romero to Mr. Hunter.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, January 14, 1866.

MY DEAR SIR: I have the honor to send you the copy of a letter from the Mexican citizen Manuel Saavedra, which I received from Brownsville, dated in that city the 8th of December last, and the documents to which it refers, giving an account of the latest events that have taken place in the States of New Leon and Tamaulipas, of the Mexican republic, by virtue of the French invasion.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

HON. WILLIAM HUNTER, &c., &c., &c.

No. 1.

[Translation.—Extract.]

BROWNSVILLE, December 8, 1865.

MUCH ESTEEMED FRIEND: Since my last of the 10th instant, we have received the particulars of all that has happened in Monterey. I enclose General Escobedo's report to the general government, by which you will see we gave the traitors two severe blows, held the public square for some time, fought the French well, but were at last compelled to retire in good order, without loss.

In less than a month, we have taken two fortified towns, and had many battles.

Escobedo behaved bravely, and his poor soldiers are heroes in valor and fortitude: I saw them in front of Matamoras, in a fearful storm, without shelter, almost without clothing, with a few bad provisions, panting enthusiastically for the assault on Matamoras: and I have also seen them benumbed with cold; wet to the skin, take off their shirts to cover their gunlocks, do their duty fearlessly, and when Escobedo asked them, What do you want, boys? They replied, "Nothing, general, but to take Matamoras!"

Such soldiers are worthy of the cause we are defending, and their behavior is the best guarantee of a speedy and certain triumph.

Escobedo is now in Camargo with his forces. He left some at Matamoras, upon which place he is preparing a fresh attack.

I remain, your very attentive and humble servant,

MAN. SAAVEDRA.

Senor Don MATIAS ROMERO.

No. 2.

General Escobedo's Official Report.

[Translation.]

REPUBLIC OF MEXICO, ARMY OF THE NORTH,
Camargo, December 1, 1865.

On the 22d of the past month I marched from Cadereyta with a portion of the army of the north, composed of the first and second brigades of Nueva Leon and two companies of mounted rifles of Coahuila, and camped that night in the town of Guadalupe, three miles east of the city of Monterey. From daylight of the following day part of the force of traitors (imperialists) which garrisoned said city began skirmishing with my advance posts, and the presumption was that they would attack my camp, knowing that the force under Major Ruperto Martinez, of three hundred men, had failed to join me. I immediately reconnoitred and prepared to receive their attack. The enemy, after shelling our lines severely, detached three strong columns, preceded by a line of skirmishers, and attacked our troops with the greatest decision. The battle soon became general; the enemy, astonished by the determined resistance he met, wavered, and at this moment a charge of our cavalry, under Colonel Treviño, on his rear and flanks, and the advance of the rest of the line, disconcerted him, and he was soon utterly routed; most of his force was dispersed, and the rest found refuge in the fortifications of the city. The enemy lost many killed, all his wounded remaining in our hands, many prisoners, and a great number of arms. On the following day the force of Martinez joined me, and I decided on attacking the place as follows: Three columns of attack were formed, the two first of infantry, under Colonel Naranjo and Major Martinez, and the third of cavalry, under Colonel Lostenes Rocha. These columns formed the line of attack, the whole under the command of Colonel Treviño, and were to be directed against the forts of Muralla and Carlotta, and after forcing these, to continue the attack on the northeast side of the plaza. Another line, composed of two columns, one under Lieutenant Colonel Garcia and the other under Major Leal, and under my personal command, was to make a feint and attack the forts of Cuesta and Puebla. The attack took place in the above order, with so much energy that the forts were soon in our possession. One part of their garrison was sabred by the cavalry, who took many prisoners, and the balance, by an inglorious flight, shut themselves up in the citadel and fort of the bishop, leaving us in possession of the city. The enemy had many killed and wounded, and left in our hands more than two hundred prisoners, all armed. On our side we lament the loss of six officers and thirteen soldiers.

Shortly after this, and when my soldiers were trying to get some rest from the fatigues of the two days' fighting, I was informed that a French column, coming from Saltillo, was advancing to aid the traitors, (native imperialists;) and in fact shortly afterwards, under cover of the darkness preceding daylight, and guided by a column of traitors, they penetrated to the centre of the city, where they began a vigorous attack on our troops. With a small portion of our infantry I was able to detain them while our attack was being organized. This was soon effected. Major I. Treviño attacked them with the squadron of the Rio Grande by one flank, and with the infantry in front we soon made them retreat. At this moment Colonel Rocha charged, sabre in hand, on their columns, and completely repulsed the French and the traitors, following and sabring them beyond the city. The French left nineteen dead and the traitors twenty-eight. They carried off their wounded. We took some traitors prisoners, many guns, lances, and some horses.

As all my officers and men behaved well, I make no special mention of any in particular. They have all fulfilled their duties as soldiers and patriots.

I have sent out reconnoitring parties towards Saltillo and Marin, as I am informed that from the last place a French column is advancing, commanded by Jeanningros in person; and from Panas another is also advancing of the same troops.

Independence and liberty!

MARIANO ESCOBEDO.

The MINISTER OF WAR, OF THE NAVY,
of the Mexican Republic, Chihuahua.

No. 3.

[Translation.—Extract.]

TAMPICO, December 7, 1865.

The French authorities at this place have a supervisor in constant attendance at the custom-house, who carefully and minutely examines every package landed or embarked, and if any objectionable name is discovered upon any of the packages they are immediately seized.

Of late the so-called imperial forces have made some important movements against this State, and they are now in the occupancy of Tancasnequi, Victoria, and Altamira, all of which places were abandoned by the liberal forces before the enemy arrived; consequently they have obtained no great advantage.

The almost expiring embers of commerce seem now to be somewhat rekindled by the assurance from the French commandant that the roads are open hence to San Luis Potosi, and this morning a steamer left here with two launches in tow, loaded with the merchandise brought back from Tancasnequi several weeks ago. It is now to be again landed at Tancasnequi, and from thence to be conveyed to San Luis Potosi by mules, at the rate of thirty dollars per mule load, to which must be added the expenses of steam freight and military escort. If the owners obtain first cost and expenses they may consider themselves fortunate in the extreme.

But in order that you may clearly understand the position of commercial affairs here, I must inform you that when, in the latter part of the month of September last, the French forces were compelled to abandon Tancasnequi, two or three hundred packages of iron and steel were, by force of circumstances, left there, and, upon the recent reoccupation of that place by the French forces, they found several of the packages still lying there, which they at once shipped on board their steamer and launches and landed here in Tampico; and when the foreign merchants discovered their own familiar marks and numbers upon the said packages they forthwith repaired to the military chief to claim their iron and steel goods; but they were coolly informed that as they were found in the abandoned camp of the enemy, the full value thereof must be awarded to the troops under his command, the officers of course coming in for the lion's share.

The imperial decree of the 3d of October last has been enforced in this place in all its parts and with all the cruel rigor therein prescribed. But I will not enlarge upon the *modus operandi* of the executions which have taken place in the most respectable and conspicuous parts of that city, but merely state that several defenceless Mexicans have lost their lives under the authority of that ban put forth by a Christian prince in this enlightened age. I now anxiously await the receipt of the message which the President of the United States, I suppose, issued to the world on the 4th instant, which I presume will give us some insight as to what will be the action of our republic in relation to Mexico.

HON. MATIAS ROMERO, &c., Washington City, D. C.

Mr. Romero to Mr. Hunter.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, January 21, 1866.

MR. ACTING SECRETARY: I have the honor of transmitting to you, for the information of the government of the United States, the copy of a note of Mr. Lerdo de Tejada, minister of foreign relations of the Mexican republic, dated El Paso, 19th December, 1865, and numbered 407, with the circular addressed to the State governors, informing them that the President of the republic left the city of Chihuahua, on the 9th of May, on account of a large French force marching against it, and arrived at El Paso del Norte on the 18th, where the national government of Mexico is at present established.

A copy of the circular is also enclosed.

I think proper to call your attention to the assurances in the circular that "the President of the republic will always firmly maintain his resolution to sustain the cause of the independence and institutions of Mexico, under all the vicissitudes of war, which are now decreasing, and the enemy's resources will soon be exhausted by the constant struggle of the Mexican people, who are bound to triumph at no very distant period."

I embrace the occasion to renew to you the assurance of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM HUNTER, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF RELATIONS—
SECTION OF AMERICA—No. 407.

PASO DEL NORTE, *Chihuahua*, December 19, 1865.

I enclose to you with this note a copy of the circular issued by this department, giving notice that the President of the republic left Chihuahua the 9th of this month, and arrived in this city yesterday, where the seat of the national government is established for the time being.

I assure you of my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington, D. C.*

No. 2.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF GOVERNMENT—
SECTION FIRST.

The citizen President of the republic left the city of Chihuahua the 9th, and arrived here yesterday, where he has determined to fix the seat of the national government, for the time being.

It is unnecessary to repeat that the citizen President of the republic will always firmly maintain his resolution to sustain the cause of the independence and institutions of the republic, under all the vicissitudes of war, which are now decreasing, and the enemy's resources will soon be exhausted by the constant struggle of the Mexican people, who are bound to triumph at no very distant period.

Independence and liberty! Paso del Norte, December 19, 1865.

LERDO DE TEJADA,

The Citizen GOVERNOR of the State of ———.

A true copy:

JUAN VALDES, *First Officer*.

PASO DEL NORTE, December 19, 1865.

No. 3.

[Translation.]

PASO DEL NORTE, MEXICO, December 22, 1865.

In my letter of the 15th ultimo I announced the departure of President Juarez, with his cabinet and government, from the city of Chihuahua for this place, and also stated that the probable date of his arrival would be the 16th or 17th. In consequence, however, of a very cold spell of weather—the coldest that has been experienced here for years—he was unable to reach this point until last Monday, December 18.

During the previous week we had been celebrating our annual *fiesta* in honor of "Our Lady of Guadalupe"—the recognized patroness of this place—and, as usual, this had brought an immense concourse of people from the neighboring country. Their conduct and enthusiasm must have proved cheering, and given hope-inspiring evidence to the President of their deep earnestness and sympathy in his fortunes. When it became known that the republican President was nearing the city a large body of horsemen, including all the principal men of the place, preceded by a band of music, sallied out to meet and escort him to the residence assigned for his use. An immense crowd of persons, of all ages and sexes, lined the principal street and plaza from an early hour in the day, anxiously awaiting the arrival of the cavalcade. It was not until late in the afternoon, however, that the procession arrived. The mounted deputation of citizens came first; after them came the President in his carriage, accompanied by the secretary of state and the secretary of the treasury; then followed a company of infantry as a body guard, and after them the remaining part of the *cortege*, consisting of a large number of carriages and ambulances, containing, besides government officials, many of the principal citizens of Chihuahua, who voluntarily preferred following the fortunes of the President to living under French domination at home.

The most enthusiastic expressions of joy and welcome greeted the President as he slowly rode through the dense crowd of citizens who filled the streets through which he passed. *Vivas* upon *vivas* burst from a thousand tongues; the bells of the cathedral rang out their merriest chimes; deafening volleys of small-arms rent the air, while peal after peal of heavy artillery shook the loftiest peaks of the Sierra Madre. It was a gratifying evidence that the popular heart beats right; that although a few of the principal men may have united their fortunes with the imperial dynasty, still the sturdy yeomanry, the bone and sinew of the country, are as ready and willing as at any previous time to strike in defence of the institutions of their choice and adoption.

A column of about five hundred infantry, under General Terrasaz, who has been the governor of this State for a number of years, left Chihuahua a day or two after the President, and are now in the town of Carrizal. They will remain there a few days and then come on to this place, where, it is thought, their number will be increased to a thousand men. With this force it is intended to move on the capital of the State to drive the invader out of it. General Terrasaz has also moved the entire State government to the town of Carrizal, including the archives and all movable property; and, for the present, that town will be the State capital.

The last mail brought the cheering news that President Johnson had at last appointed, after such a long interregnum, a new minister to represent the United States in this country; and the news was none the less welcome when it was known that that gallant soldier and eloquent orator, General John A. Logan, was the man. The news was carried to President Juarez by a special courier, and met him on his way to this place. The very intelligence has given new life and energy to things here already, and the most happy results are anticipated from it.

The military commandant here is Colonel Carlos Norriega, who was one of the prisoners captured at the taking of Puebla and sent to France, with General Mejia and many more. He was released some months ago, as well as the latter officer, who is also here. They arrived a short time ago by the overland mail from St. Louis. Colonel Norriega speaks English quite fluently, is a most efficient officer, and much liked.

Mr. Romero to Mr. Hunter.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, January 29, 1866.

MR. ACTING SECRETARY: Referring to my notes of the 14th and 18th of November and the 28th of December last, to your department, concerning the order issued by General McDowell on the 11th of October previous, prohibiting the exportation of arms over the southwestern border of the United States. I now have the honor to transmit to you the copy of a note on this same subject, which I received yesterday from Mr. Lerdo de Tejada, minister of foreign relations of the Mexican republic, dated at El Paso del Norte, the 23d of December last, with a copy annexed, expressing the views of the Mexican government on the same subject.

Although the discussion caused by that order has been satisfactorily settled by the revocation of the same, I think proper to send you, for the information of the government of the United States, a copy of these documents for the purpose of making the opinions of my government known on that subject.

I take this occasion to renew, sir, the assurance of my distinguished consideration.

M. ROMERO.

Hon. WILLIAM HUNTER, &c, &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—AMERICAN SECTION—No. 413.

PASO DEL NORTE, *December 23, 1866.*

I send you the copy of a note which I address to-day to the consul of the republic in San Francisco, Upper California, in relation to the order of the 11th of October previous, pub-

lished in the papers of that city, issued by General I. McDowell, commander of the department of California, prohibiting the passage of armed forces, and arms and munitions, to either of the belligerents, over the Arizona border, or through Lower California, in Mexico.

For fear that you may not have received the consul's communications on the subject, I send you this copy to use as you please, to the greatest advantage.

Accept my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington.*

No. 2.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT OFFICE OF RELATIONS—
AMERICAN SECTION—No. 67.

PASO DEL NORTE, December 23, 1865.

Prohibition to export arms from the United States across the Arizona and southern California border into Mexico.

I have received the duplicate of your note of the 20th October last, with the eight enclosed copies, relating to the order issued by General I. McDowell, commander of the department of California, on the 11th of October, forbidding to send arms and munitions of war, over the Arizona and California border, to either of the belligerents in Mexico.

You have sent me copies of the correspondence on the subject between you and General McDowell, who said he thought he was not authorized to revoke or modify that order.

It seems that the laws of the United States on neutrality prohibit the organization of armed expeditions within their borders for other countries, but do not forbid the free trade in arms and ammunition, or any other articles called contraband of war.

It seems, also, that the order of President Johnson repealing the laws that prohibited the export of arms and ammunition was issued on account of the civil war in the United States, and not because it was considered as a duty of neutrality, for the laws do not oppose the free trade in articles of war. If this is so, General McDowell's order would conform to the laws of the United States, so far as the prohibition of the passage of armed forces over the border was concerned; but it would not agree with President Johnson's order, which does not prohibit the crossing of arms and ammunition.

Moreover, neutrality would also comprehend arms and ammunition, military transports, the repair of vessels and naval transports of war, or any other articles or goods to be used as means of making war.

The application of these principles of neutrality in the United States, prohibiting the exportation of arms and ammunition not needed by the French, but much needed by the republicans in Mexico, has been very injurious to the republican cause in Mexico; but these same principles of neutrality have not been applied to war transports and repair of all kinds of vessels in the United States, needed by the French, but not wanted by the republicans of Mexico.

The citizen President is pleased with your conduct in this affair, and I have only made these observations that you may communicate them privately and confidentially to General McDowell, if you think proper under the circumstances; but as you have communicated the affair to the citizen minister plenipotentiary in Washington, he will settle it in the most proper manner with that government.

I assure you of my attentive consideration.

LERDO DE TEJADA.

Citizen JOSÉ M. GODOY,
Consul of the Mexican Republic in San Francisco, Upper California.

A true copy:

JUAN VALDES, *First Officer.*

Mr Romero to Mr Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, January 31, 1866.

MR. SECRETARY: The newspapers of this country allude to the capture of Boca del Rio, a town generally known in the United States by the name of

"Bagdad," by a force which, it seems, came from Clarksville, a town on the opposite side of the Rio Bravo, in United States territory. Although the accounts published up to this time are contradictory, incomplete, and inaccurate, yet it seems that the force that occupied Boca del Rio did it with the best feelings towards the government of Mexico, thinking perhaps to render a service by taking from the enemy one of the points held by the invaders.

For this reason, as well as my dislike to cause unnecessary trouble to the United States, I refrain for the present from expression of opinion on this subject, till I can receive authentic details of what has taken place on the frontier, and instructions from my government. Nevertheless, as I desire to inform the government of Mexico of what has happened on the Rio Bravo, I take the liberty of requesting you to give me the information received at the department under your charge, if there is no impropriety in the request.

I am happy to have this opportunity to renew to you, Mr. Secretary, the assurances of my distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA.

Washington, February 5, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, a copy of a letter which Señor Lerdo de Tejada, the minister for foreign affairs of the government of Mexico, addressed to me under date of January 4th last past, (No. 1.) transmitting to me a copy of the second number of the official organ of the Mexican government published on the same day at Paso del Norte, containing several official documents relative to the description of General Don Manuel Ruiz, who protested, on the 30th of November last, against the decree of the Mexican government of the 8th of November, which declared the term of the constitutional President of Mexico to be extended until a new election can be held in that republic. I enclose you a copy of that paper.

I take the liberty of calling your attention to the communication which Señor Lerdo de Tejada, the minister for foreign affairs and government of the Mexican republic, addressed to the minister of justice on the 7th of December following, in relation to the protest referred to.

I avail myself of this opportunity to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS AND GOVERNMENT—DEPARTMENT OF AFFAIRS—
BUREAU OF AMERICA.

PASO DEL NORTE, *January 4, 1866.*

I transmit to you a copy of the second number of the "official organ of the government," dated this day, in which has been copied the protest of Don Manuel Ruiz, written at Hidalgo del Parral on the 30th November last, (which protest is found in a newspaper taken from the enemy,) in relation to the prolongation of the functions of the President of the republic.

You will also find in the official paper the communication which this department addressed to that of justice respecting the subject.

I communicate this to you that you may be informed of the groundless protest of Don Manuel Ruiz and of his personal conduct.

I renew to you my very distinguished consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic, Washington, D. C.*

No. 2.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, January 4, 1856.—Translation.]

D. MANUEL RUIZ.

We extract what follows from No. 1 of the *Nueva Era*, 23d December last, an official paper published by the enemy in the city of Chihuahua:

News from Rio Florido.—Protest of Manuel Ruiz.

Expeditionary corps of Mexico; 2d division of infantry; chief of staff. Chief of the State squadron, Major Billot, in command of the French forces at Rio Florido.

RIO FLORIDO, December 1, 1865.

DEAR SIR: Senor Don Benito Juarez having prorogued the constitutional term of office, and I no longer recognizing his character as President of the republic, which position he formally held by law, have resolved to take no longer any active part in public affairs, and to return to private life, there to resume my profession as a lawyer, and earn my daily bread.

Having that object in view, I wrote to Parral yesterday the letter I now enclose for your perusal, and immediately approached your lines to appear before you, for the purpose of making known my resolution. I believe myself justly included among those who are benefited by the decree of amnesty of the 3d ultimo, on account of my resignation from office and my voluntary surrender to you. The text of this decree having been communicated to me yesterday privately, by a friend, with entire confidence, I now appear before you, as the representative of power nearest at hand, and trust that I am deserving of all respect and justice.

I am, sir, your very obedient servant,

MANUEL RUIZ.

P. S.—As it is impossible to print the enclosed communication in this locality, I would be much indebted to you if you would forward it to any part of the country where publicity may be given to my letter, its publication being in accordance with my earnest wish.

Your obedient servant,

MANUEL RUIZ.

A true copy:

By the Lieutenant Colonel and Chief of Staff,

LEVAL.

No. 3.

Protest of Don Manuel Ruiz.

[Translation.]

SIXTH CONSTITUTIONAL MINISTRY OF THE SUPREME COURT OF NATIONAL JUSTICE.

This day brings to a close the usual constitutional term of office of the acting President of the republic, as set forth by article 80 of the federal constitution.

From to-morrow the supreme executive power of the nation can only be legally exercised by the acting president of the supreme court of justice, or by the constitutional minister who, as acting President, legally assumes his duties, and for cause. By this statement it will be seen that the prorogation of the constitutional term of office which the acting President has taken upon himself to accord by his decree of the 8th instant does not bestow upon him the right of continuing in the exercise of the supreme national power, inasmuch as such proceeding is in direct violation of the sense of the constitution, as well as prejudicial to the honorable discharge of the functions invested in him by the decree of October 27, 1862.

The general constitution, by article 82, decrees in the most explicit manner that at the close of the ordinary term of office of the President of the republic, whatever obstacle may arise preventing the election of a successor, or the instalment of the President elect, the supreme power shall invariably be intrusted to the hands of the president of the supreme court. The law of October 27, cited above, does not in any emergency authorize the executive to pro-rogue the national term of office, nor deprive the rightful depository of the supreme power of his privileges, nor appoint a successor to whom can be passed the rights and liberties of the nation. On the contrary, by that decree he is commanded to preserve inviolate the form of government laid down by the constitution, and forbidden to take such measures as would lead to the violation of chapter four of the constitution relative to the rights and duties of public officials. It being evident that the orders contained within the several decrees of the 8th instant violate the general constitution and secondary laws, men of honor and conscientious citizens, those who would deserve from the nation a vote of high confidence, those who have placed faith in the principles that have been so dearly bought, those who trust in the salvation of the country by a strict enforcement of the laws, and who would not behold their dearest hopes shattered by one blow, must see that it is their imperative duty not only to protest against the usurpation of the national power, whatever may be the emergency referred to as a pretext for such illegal action, but must abstain from taking any part in public affairs until the supremacy of the law be asserted and order re-established.

For these reasons, from this ministry, I, acting as constitutional minister of the supreme court of justice, and protesting by a solemn protest against the flagrant violation of the fundamental and secondary laws of the divers decrees of the 8th instant, do hereby announce my retirement to private life, and my intention to support my family by my personal exertions, taking to my home a tranquil conscience that tells me that I have acted justly and done my whole duty.

I trust, sir, that you will present this epistle to the acting President of the republic, informing him that my determination does not in the least affect the sentiments of peculiar esteem that I have ever professed to entertain for him.

Independence, liberty, and reform! Hidalgo del Parral, November 30, 1865.

MANUEL RUIZ,

Acting Minister of Justice of the Constitutional Government of the Republic.

No. 4.

[Translation.]

The preceding protest of Mr. Ruiz was received at the department of justice, and sent to the government, as the following communications will show:

DEPARTMENT OF JUSTICE, INTERIOR AND PUBLIC INSTRUCTION—SECTION FIRST.

For subsequent action, I have the honor to send you the original of the note of General Manuel Ruiz, of the 30th November last, to this department, in which he protests, as minister of the supreme court of justice, against the decrees of the 8th of November last.

Independence, liberty, and reform! Chihuahua, December 6, 1865.

IGLESIAS.

The MINISTER of Foreign Relations and Government.

No. 5.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF GOVERNMENT—SECTION FIRST.

With yours of yesterday I received the protest of Manuel Ruiz, sent to you from Hidalgo del Parral the 30th of November last, relating to the decrees of the 8th of November, issued by this department, prolonging the term of the President of the republic, according to the constitution, so long as the war prevents a new constitutional election, and to the responsibility of General Jesus G. Ortega, who was president of the supreme court of justice.

As Mr. Ruiz announced, in his protest, his submission to the invader, it was impossible to send him a reply. And a reply to him was unnecessary, as his protest contains no argument against the circular and the published decrees, but only consists of general terms, without the least reason. It is evident from his protest that he did not even consult the text of the law of October 27, 1862, which he pretends to quote, for it was in the law of 11th of December,

1861, that were to be found the terms to which he referred, in which the national Congress grants extraordinary powers to the President.

Mr. Ruiz was certainly selfish, and wanted to assume the powers of constitutional magistrate himself: but without the least reason.

Articles 79 and 82 of the constitution, the only ones relating to the supplying the President's place, indicate the president of the court of justice, and no other magistrate, as capable of filling the place accidentally. The constituent congress at the same time formed the constitution and the organic law of elections, the 3d of February, 1857, where, in articles 43, 45, 48, and 52, it is decreed that at the general elections deputies to the national congress shall be elected on the first day, a President of the republic and president of the supreme court of justice the second day, and magistrates to the number of ten, with four supernumeraries for the same court, on the third day. In this manner the organic electoral law, according to the constitution, united the election of president of the republic and president of the court, so the people could choose at the same time two officers, one of which was to supply the place of the other in case of accident; and putting off the election of magistrates, who were only to occupy positions as judges, till the next day.

So, then, the constitution established by this electoral law that there should only be one vice-president of the republic, and not fifteen aspirants to that place. It is well known that when a motion was made in congress to allow magistrates to supply the place of President of the republic, in case of the default of the president of the supreme court of justice, the proposition was unanimously rejected. Thus the matter was settled, beyond a doubt; and for that reason the government, in the decrees of the 8th of November, did not think it worthy of mention.

Besides the want of foundation of the protest, we must consider the conduct of him who made it. If Mr. Ruiz had really believed it wrong to prolong the duties of President, he could have protested against it, and not considered it his duty to go and submit voluntarily to the enemy for that reason. He could not allege fear of persecution as long as he remained in places subject to the government of the republic, for his high offices as magistrate and general protected him; and he well knew that the government always permitted the most liberal opinions, provided they were not inimical to the country. As an instance of this, the government permitted Mr. Ruiz to declaim against the decrees long after they were promulgated, and wherever he went.

When the seat of government was moved in August last from this city to Paso del Norte, Mr. Ruiz said, at the beginning of September, that he was determined to return to this city, and thence to the city of Mexico to join his family. This was well known, for he did not hesitate to tell it to everybody attached to the government. He even fixed the day of his departure, and continued to put it off, sometimes on account of the solitary roads, till he heard that this city was to be evacuated. He then pretended to delay his departure on account of health and for want of means, as the circumstances of the government at El Paso did not permit it to pay its officers their usual salary.

All who accompanied the government well know that Mr. Ruiz intended to join the enemy as early as the first of September, two months before the issue of the decrees mentioned, and no one doubts but that he used the protest as an excuse for his desertion of the national cause. It was also well known in San Luis, Saltillo, and Monterey that he was hunting excuses to oppose the government, encouraged those who did censure it, and was ready to accept any pretext for his conduct, and go over to the enemy.

The government made no attempt to prevent him, because it never wished to force any one to adhere to it, but left it to the free will of those who would stand by it voluntarily in times of trouble.

Independence and liberty! Chihuahua, December 7, 1865.

LERDO DE TEJADA.

The Citizen MINISTER of Justice, Fomento, and Public Instruction.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, February 7, 1866.

SIR: I have had the honor to receive your communication of December 1, 1865, with which you transmit to me a copy of the despatch No. 365, of October 28, ultimo, addressed to you by Señor Lerdo de Tejada, the minister for foreign affairs of the Mexican republic, in relation to the import duties collected in December, 1864, of certain American citizens at the port of Acapulco, by order of the governor of the State of Guerrero, Don Diego Alvarez.

In reply thereto, I have to state, that the erroneous impression entertained by Señor Lerdo de Tejada, that this government was satisfied with the explana-

tions of the governor of Guerrero, (communicated to this department with your note of May 26, 1865,) has doubtless been since corrected by your communication to that minister of my note of November 3, 1865, in which I expressed the confident expectation that the duties exacted under the circumstances set forth in my previous correspondence upon this subject would in due season be refunded by the constitutional authorities of the port of Acapulco.

I will thank you to communicate to me, as soon as possible, the final determination at which the Mexican government shall have arrived on a consideration of all the facts of the case; for you will bear in mind that the governor of Guerrero himself states that he was restrained, by the peculiar condition of public affairs, from revealing "the principal one of the grounds" on which he collected said duties, and of which, it is presumed, he must by this time have fully informed his government.

Governor Alvarez intimates that it was a mild way of punishing certain American residents for aiding the French by bringing supplies from San Francisco to Acapulco—*by sea*, it is inferred. It does not appear, however, that there was any blockade on the approach to that port by water, though he intimates that supplies *by land* were shut out.

Upon a reconsideration of the points of this case, I have to inform you that this government cannot accept an exceptional administration of the revenue laws of Mexico by General Alvarez as a proper mode of punishing supposed offences for which its citizens, domiciled in Acapulco, do not appear to have been subjected to any kind of trial or even to an open accusation.

The United States having already expressed its dissatisfaction, and asked for restitution to the parties interested, entertain the hope that the executive of Mexico will cause the same to be refunded to them so soon as may be compatible with the public interests and condition of that republic.

I avail myself of this occasion to reproduce to you, sir, the assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, February 10, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, a copy of the "official paper of the constitutional government of the Mexican republic," vol. ii, No. 3, published in the city of El Paso del Norte, on the 11th of January last, in which the official despatches of General Escobedo, commanding officer of the northern army corps, to the minister of war and marine, of the 14th and 25th of November, 1865, were inserted, communicating what happened during the siege of Matamoras, at the end of October last, and the occupation and abandonment of Monterey by the forces under his command, on the 22d, 23d and 24th of November last.

I also enclose fragments of two letters I have received from reliable persons residing in Tampico and Vera Cruz, dated the 14th and 20th of January last. They both contain important particulars of the state of affairs in Mexico.

I profit by this opportunity to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

MINISTRY OF WAR AND MARINE—MEXICAN REPUBLIC—CORPS OF THE ARMY OF THE NORTH—GENERAL-IN-CHIEF.

The paper which I have the honor to send you, relating to the operations that took place during the siege of Matamoras, will inform the citizen President of all that occurred during those days, and therefore, in this communication, I will merely say that I am very well pleased with the excellent behavior of the chiefs, officers, and citizens composing the troops under my command. All of them did their duty, and their sufferings from frequent rains and cold winds in the marshes around Matamoras make them worthy of public esteem, and of the gratitude of the supreme magistrate of the republic.

Independence and liberty! Camp on the plain of Realito, November 14, 1865.

M. ESCOBEDO.

Citizen MINISTER OF WAR of the Mexican republic, (wherever he may be.)

No 2.

[Translation.]

MEXICAN REPUBLIC—CORPS OF THE ARMY OF THE NORTH—GENERAL-IN-CHIEF.

After the capture of Catorce, by a part of my forces, and the complete rout of the traitor Tinajero and his brigade at Paso de las Cabras, as I have already informed you in official despatches, I determined to collect all the material of war on the frontier to carry on the campaign in that quarter. For that purpose I posted the Vega brigade at Linares and vicinity; the 1st cavalry at Cerralvo and adjoining points; the 2d at Villaldama; the 1st and 2d infantry at Punteagudo and Agua Leguas; and I went in person to the northern towns, to gather the troops that had organized during my expedition into the interior, and to collect artillery and provisions for the main body of the army. On my return, I fixed my headquarters between Matamoras and Monterey, as the principal points held by the enemy, and better to determine upon which of the two I should begin operations.

I invited General Cortina and Colonel Canales to join me with their troops, in the campaign I was preparing. The former offered his services in the cause of national independence, in any part of the republic where they might be needed; the latter promised only to aid me against Matamoras. The last circumstance, and the great importance of the place, induced me to begin operations there; and I accordingly issued orders to concentrate, which was promptly done by the brigades, with the exception of the 1st cavalry of New Leon, which I left to watch Monterey, and that of Colonel Canales, which delayed for some unaccountable reasons.

On the 22d of October, the main body of the northern army, with the exceptions above mentioned, moved in sight of Matamoras, and encamped at the Alvin Pena ranch, only a cannon-shot distance from the place.

October 23, 1865.—A reconnoissance was made around the town, with some unimportant skirmishes. In the afternoon the camp was prepared for moving wherever it should be ordered. Colonel Sostenes Rocha, major general in the regular army, was sent from headquarters, with his aids and an escort, to give notice of the attack on the place. During the night other reconnoissances were made, some trenches were dug, and a few batteries were planted.

October 24.—The first parallel was made at six hundred yards from the town. Esplanades for the batteries were begun, and the troops took position in the following order: The right wing, consisting of 200 men of the San Luis brigade, under General Vega, was stationed at the Quintero house. The left, under General Cortina, his brigade strengthened with a squadron of the Rio Grande, and 100 infantry of the 1st brigade. The centre, under Colonel Naranjo, with his brigade and one of infantry. All this line under command of General Espinosa, quartermaster of the army corps.

Another column, under General Hinojosa, composed of the Coahuila brigade, fifty infantry and fifty cavalry of Tamaulipas volunteers, cut off the road from Bagdad. The reserve, formed of the 2d infantry brigade, and a column of cavalry, with the Supremos Poderes Valle de Mexico, and sharpshooters of the Naranjo brigade, were stationed in order. The artillery, the baggage, the supplies, hospitals, and trains were arranged last.

Orders were given for the attack. General Hinojosa and Cortina were to begin the attack with their columns at 3 o'clock in the morning, while the centre was to make a feint in front for diversion.

October 25.—A hard north wind and rain began at 2 a. m. and continued till 5. The columns in position near the enemy's forts fell back, after the hour for attack had passed, because no signal had been given on account of bad weather. However, they opened fire at

half past four, and the columns, on hearing the signal, began the attack with great vigor. General Hinojosa took the fort they attacked, and entered the city, going as far as Independence square, driving the enemy before them; but the latter being re-enforced by troops from the other forts, and aided by the steamer *La Antonia*, shelling us in the rear, drove us back slowly, till we had reached our first position in good order. General Hinojosa and Colonel Adolfo Garza were both wounded.

At this moment the left attacked with the same spirit; General Cortina silenced one fort and captured another; but the enemy's reserve, now free, hastened to the attack, and drove him back. He retreated in good order to his first position.

Although preparations were made for a simultaneous attack, the rain interrupted it, and the result was partial. Nevertheless, the troops fought bravely, and caused great slaughter in the enemy's ranks, but the result was not decisive.

The enemy having succeeded in repulsing us, ordered out the cavalry three successive times upon our centre, and was driven back to the centre of the town in great disorder, though continuing to cannonade us with little effect. On the evening of this day the Canales brigade arrived, and was placed in the reserve. The firing between our line and the enemy's continued the whole day.

A road was made for the artillery up to the intrenchments, the esplanades were completed, and ammunition was got ready. The north wind then brought on an unceasing rain.

October 26.—The rain did not cease, the trenches were completely inundated, and the troops had to bale them out. The plaza continued to cannonade our lines at intervals, and very feebly. Orders were given in the afternoon to open the artillery upon the plaza: the cannonade began at half past five, and stopped at dark. The enemy answered feebly. The north wind calmed, but the rain continued.

October 27.—More rain. A shop is fixed up for mounting artillery. The sharpshooting of the line is brisk, corresponding to that of the enemy. The Garza section comes up with one hundred men, and is stationed on the right wing, at the Quintero house, to relieve General Vega's two hundred, who go to re-enforce the reserves. The enemy makes a cavalry attack on the centre and left of our line, but is promptly driven back.

October 28.—The enemy makes a sally upon our right with two hundred horse, and a battalion from the fort sustains them, while a brisk cannonade continues, in order to support the attack which has begun. After a short contest they are driven back to the plaza. We did not make use of our reserves. The fire of the riflemen continues.

October 29.—The riflemen continue. The enemy attempts to shut in their position by making trenches from fort to fort, constantly molested by our battery. Our left battery is not disturbed; it begins upon the plaza, cross-firing with the centre battery. Though cannon cartridges are made rapidly they begin to fail. The riflemen continue their firing all day.

October 30.—The centre prepares an advance and flank movement to join the left. Fresh esplanades are formed and new batteries constructed. The rain continues with force.

October 31.—Sallies from the town are driven back. Firing continues. The batteries on both sides are almost silent, ours for want of ammunition. The rain continues unabated.

November 1.—Continued rain. Riflemen keep up slow firing.

November 2.—Bad weather. Continuous fire. A few sallies from the town, without result.

November 3.—Bitter weather. Ammunition very scarce.

November 4.—Good weather. Firing of the riflemen continues.

November 5.—Canales's brigade is ordered to move towards Bagdad at night to cut off supplies and communications of the enemy. The line is told to save its ammunition as it becomes quite scarce.

November 6.—The flank movement is discontinued and the works finished.

November 7.—The headquarters are moved with the line. The enemy attack our centre at night with infantry, but are driven back in disorder to the town. Orders are issued for the army to fall back one league and a half from town, to a place called *La Marcelina*. Information is received at headquarters that a steamer is coming up the river with an aid of French marines for the place. Colonel Canales is commanded to stop that boat by an attack from shore. The steamer is attacked the same day, some of its crew are wounded, but it manages to get up the river. Colonel Treviño informs us the French have left Monterey for Saltillo. He is ordered to get nearer to the town, watch the enemy, and see what direction he has taken. Colonel Canales reports that he cannot continue his march to Bagdad on account of the rains that have inundated the whole country. A battery that was ordered arrives.

November 8.—The camp is struck and forces begin to move. The enemy observing it, attack us, but is repulsed. Tents pitched in the Marcelina plain.

November 9.—Encamped in the same place. Abundant rains. The enemy makes a sally; a line of battle is formed to receive him; but not venturing, he returns to the town, after destroying and burning several ranches in the vicinity.

November 10.—In search of dryer ground the camp is moved to the plain of Realito.

November 11 and 12.—Nothing new.

November 13.—News is received confirming the movements of the French at Monterey; part of them remain in Saltillo, and the rest of the column, 800 men, march towards Monclova.

November 14.—Order is issued for the army to go into quarters, leaving the cavalry to watch the enemy. I go to Monterey to direct the operations in the attack on that place. I take the Naranjo brigade with me. I will give you due notice of my march to Monterey; and now conclude by calling the attention of the supreme magistrate of the republic to the preceding report. It shows that the extreme weather our soldiers had to suffer in their peculiar situation, and the want of ammunition, incidents over which we have no control, prevented our gallant soldiers from taking Matamoras. If its garrison had accepted the many challenges we offered them, and had come out into the open plain to give us battle, the result would have been very different.

At the camp in the plain of Realito, November 14, 1865.

M. ESCOBEDO.

No. 3.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The citizen President has been pleased to see the report of operations against Matamoras in your note of the 14th of November, which I am now answering. The valor and determination of the troops that fought under your orders; their sufferings from bad weather and want of provisions; the good conduct of the chiefs and officers in the various fights that took place at that time, and your own prudence, have deserved the President's esteem, and have proved, although the final design was not accomplished, that they are worthy of the cause they defend, and that the country can trust to their valor for safety and final triumph. I communicate this to you, by order of the President, for your satisfaction, and the gratification of all those who fought under you at the siege of Matamoras.

Independence and liberty! Paso del Norte, January 9, 1866.

MEJIA.

General MARIANO ESCOBEDO,

Chief of the Army Corps of the North, (wherever he may be.)

No. 4.

[Translation.]

MEXICAN REPUBLIC—CORPS OF THE ARMY OF THE NORTH—GENERAL-IN-CHIEF.

On the 22d instant I set out from Cadereita Jimenez with a part of the corps of the army of the north, composed of the first and second New Leon brigades and two squadrons of Coahuila rifles, passing the night at Gaudalupe, one league from the town of Monterey. At daybreak a traitor force garrisoning the place opened fire on my advance guard, and, as was anticipated, attacked my camp, for they knew Colonel Ruperto Martinez with three hundred men had not yet joined me; and I gave orders for defence. After cannonading our advance, the enemy detached three strong columns, protected by sharpshooters, and attacked our troops with the greatest determination. The fight soon became general. The enemy, vexed by our tenacious resistance, hesitated a moment, when a charge of cavalry under Colonel Treviño on their flank and rear, and the ardor of our men in front, disconcerted him, and caused a complete rout, and he sought safety by a retreat to the town. In this first action the enemy left his dead and wounded in our hands, with many prisoners and a quantity of side-arms and guns.

Martinez's force having joined me the next day, I decided to attack the town, and gave orders to that effect. Three columns for attack were arranged: the two first of infantry, under Colonel Francisco Naranjo and Commander Ruperto Martinez, and the cavalry under the gallant Colonel Sostenes Rocha, the whole commanded by the brave Colonel Geronimo Treviño. They were to attack the small forts of Muralla and Carlota, and having carried them, to assault the northern part of the town. Another line of three columns—one under Lieutenant Colonel Antonio Garcia, and the other under Commander Joaquin Garza Leal, and commanded personally by me—was to divert the enemy by attacking the forts of Cuesta and Pueblo. With these orders, the attack began. All our troops displayed such energy that the forts were soon taken, with many prisoners, some escaping to the citadel and others to Fort Obispo, giving up the plaza with slight resistance. The enemy lost many dead and wounded, and we took more than two hundred prisoners, the most of them armed.

On our side, we only lost six officers and seven men among the dead and wounded. In this stage of affairs, when my tired soldiers were preparing for repose, I was informed that a French column from Saltillo was advancing to help the traitors. In fact, soon after this in-

formation, the French, under the darkness of the night, and guided by a column of traitors, stealthily entered the town, advanced to the centre, and began a general attack upon our troops. I resisted them with a small company of infantry till my troops could form. This was soon accomplished. Commander Isidro Trevino, with the Rio Grande squadron on the flank, and my infantry in front, drove them back, and Colonel Rocha, profiting by the event, charged with his column, and we succeeded completely in driving the French and traitors before us till they were out of the town. They left 27 dead, carrying off many wounded. We took a few traitor prisoners, many lances and guns, and several horses.

I could recommend many chiefs, officers, and even soldiers, to your notice for their heroic deeds, but I will only say that all did their duty; and with men of that kind, we will soon see the independence and liberty of our dear country redeemed.

I have sent out scouts towards Saltillo and Marin to watch the French in that direction. I hear that Jeanningros himself is in command of them. I will act as circumstances require.

Have the kindness, Mr. Minister, to congratulate the President upon these victories of our forces, gained on the 23d, 24th, and 25th instant, against the enemies of a republic of which you are the worthy representative.

Independence and liberty! Monterey, November 25, 1865.

MARIANO ESCOBEDO.

The MINISTER OF WAR AND MARINE

of the Mexican Republic, Chihuahua.

No. 5.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

In your communication of the 25th of November last, from Monterey, you inform the President of the republic of the feats of arms at the capture of that place on the 23d and 24th of the same month, and of driving back a French force that tried to recover it on the 25th. The President appreciates, in all its merit, this courageous undertaking, and is pleased with the courage displayed by the chiefs, officers, and men who gained this national triumph. He therefore commands me to congratulate you and your brave men, in the country's name, and thank them for their good services.

Independence and liberty! Paso del Norte, January 9, 1866.

MEJIA.

General MARIANO ESCOBEDO,

Chief of the Army Corps of the North, (wherever he may be.)

No. 6.

[Translation.]

MEXICAN REPUBLIC—ARMY CORPS OF THE NORTH—GENERAL-IN-CHIEF.

As the reports were many and frequent, not only from my scouts, but from individuals, that the French were coming in force to aid those who had taken refuge in the Obispado and Ciudadela, and knowing that a large force of French had already reached San Francisco, only one league and a half from the town, I prepared to evacuate it. Orders were given to move at half past two in the afternoon. These were obeyed with promptness and order, in sight of the forts Obispo and Ciudadela, and their garrisons did not venture to interrupt us. I divided my force into two columns: the first and best went in the direction of Cadereita, nearest the enemy; the other, composed of fresh recruits, took the right, on the slopes of Saddle hill, and joined the first at Cadereita.

When we had gone about four leagues, the French cavalry, aided by some infantry, attacked our rear guard; but after a small skirmish, they were driven off, leaving one dead and carrying off several wounded. We had three wounded and eight missing.

The rear guards of both columns only participated in these encounters, and afterwards rejoined their columns. The enemy entered Monterey that night; my troops rested for the night in the vicinity of Cadereita.

To-morrow I will continue my march to China, to be nearer the troops I left in front of Matamoras and those I sent to Camargo, for that place has also been re-enforced by foreign troops.

Please assure the President of the republic that the troops of this army corps will fight without rest for the cause of a national independence till it is attained in this quarter, and will then follow the enemy to any part of the territory they may occupy.

Liberty and independence! Cadereita, November 25, 1865.

M. ESCOBEDO.

The SECRETARY OF STATE AND WAR OFFICE,

(wherever it may be.)

No. 7.

[Translation.]

DEPARTMENT OF STATE AND OFFICE OF WAR AND MARINE—SECTION FIRST.

I have informed the President of the republic of your communication of the 25th of November last, dated in Cadereita Jimenez, after your evacuation of Monterey.

The reasons you give for that act, and your subsequent action in regard to the enemy, are approved by the President, who trusts to your prudence to increase and preserve the forces under your command.

Independence and liberty! Paso del Norte, January 9, 1866.

MEJIA.

General MARIANO ESCOBEDO,

Chief of the Northern Army Corps, (wherever he may be.)

No. 8.

[Translation.]

In the New Era of the 30th December last, No. 2, a paper published by the enemy in Chihuahua, we find the following report, taken from a San Luis paper. We insert it to show that even the enemy confesses the facts about Monterey; but he adds that General Escobedo was subsequently routed, which is entirely false, as his communications show:

EXPEDITIONARY CORPS OF MEXICO—COMMANDANCY OF THE NORTHEAST—THE GENERAL COMMANDING.

SAN LUIS POTOSI, November 29, 1860.

MR. PREFECT: I have just received from Monterey the notice that the dissidents attacked that city on the 22d instant, with a force of one thousand men. On the 24th they got possession of the greater part of the city, while the imperial troops remained in the citadel. Aid having arrived from Saltillo on the morning of the 25th, and General Jeannin-gros having returned hastily from Monclova, the enemy retreated precipitately, but was overtaken at Lerna river and completely routed, with great loss. We had but one man killed and ten wounded on our side, two of which are officers.

Receive, Mr. Prefect, the assurances of my distinguished consideration. General commanding the northeast,

F. DOUAY.

No. 9.

[Translation.]

Protest of the merchants and residents of the city of Matamoros against the acts of the government of the United States and its representatives.

We, the undersigned, merchants and residents of Matamoros, Mexico, having been for over eight months the patient neutral spectators of many disgraceful occurrences on this frontier, and having suffered with resignation all the hardships and losses thereby produced, and finding our guarantees violated, and most vital interests every day more endangered by the most serious and arbitrary outside influence beyond the hope of amelioration, consider it our duty, as the representatives of large commercial interests, and as friends and supporters of order, law, and justice, publicly to denounce the acts of certain United States officials on this frontier, and to protest solemnly against the United States government and its officers, by adopting and publishing the following resolutions, viz:

First. That we have frequently read with disgust in certain American newspapers the grossest misrepresentations of the political state of affairs on this frontier, obviously made with the evil intent to mislead the sound judgment of the American people, and to prejudice them against the present *de facto* government of Mexico, in favor of a Juarez party, which at present has no more foothold or basis of operation on this frontier than that afforded by the United States military and civil authorities on the Texas side of the Rio Grande.

Second. That it is against the morality and dignity of the people and government of the United States that in Brownsville and along the frontier almost daily offences against the professed neutrality of the United States are committed and suffered under the eyes of the United States authorities; and that their repeated assurances in regard to their neutrality in Mexican affairs are plainly contradicted by the encouragement and aid they more or less openly and covertly lend to the Mexican partisans, whose headquarters are in Brownsville, in their armed invasions and raids from the territory of the United States in Mexico.

Third. That the continuance of the armed opposition to the imperial government of Mexico on this northern frontier; the insecurity of the roads leading to the interior; the interruption of all trade; the depreciation and destruction of all kind of merchandise, values and property; the perpetration of every species of crime; the devastation and pillage of all the smaller towns, villages and farms in the valley of the Rio Grande and consequent ruin of innumerable people—that all these calamities are the lamentable results of that underhand and immoral policy enacted by some representatives of the United States government on this frontier.

Fourth. That the latest offence against the peace and the happiness of the people of Mexico, the surprise and pillage of the town of Bagdad by United States negro troops, under the command of their regular officers, during the night of the 4th to the 5th of January; the carrying off of the plunder publicly to the Texas side of the river, and the delivery of that important town to the so-called liberals, who came from the neutral soil of the United States in the track of the United States invading forces, we can only designate as an additional proof of the criminal neglect of the United States authorities on this frontier, if not of their connivance in an act of vandalism without parallel in modern history, which, as a shameful disregard of international law and obligation, will remain a disgrace to the national and military honor of the United States, and a stain of infamy to those of their officers implicated in this filibustering enterprise, which is not even mitigated by due investigation and the condign punishment of the criminals.

Fifth. That we apprehend that unless the government of the United States will take immediate and efficient steps to check the arbitrary interference of its officers in Mexican affairs, and prevent these offences against neutrality, as before mentioned, as well as the armed invasion of filibustering bands from United States territory into Mexico, entire ruin and destruction will be brought upon the whole population of this frontier, and upon the commercial community of Matamoras in particular; and we therefore protest solemnly and loudly before the whole world, and in the name of civilization and public morality, against the United States of America for the faithlessness of their officers and authorities, in harboring, aiding, and abetting organized bands of filibusters in their armed invasion into Mexico for the destruction of public peace, order, and security in this country, and for all the losses and injuries thereby done and caused, and yet to be caused, to the people of this frontier in general, and to us merchants and residents in particular, in our properties and bodies, we charge the government of the United States as directly responsible.

Sixth. That whilst we acknowledge with admiration and gratitude the indefatigable zeal of his excellency General Mejia, under the most critical circumstances and notwithstanding many provocations, in maintaining peace and harmony in the daily intercourse of the people of both nations on this frontier, and order and security in this department under his immediate command and protection, we consider the personal and commercial interest at stake in Matamoras still sufficiently large to merit the serious consideration and prompt action of the imperial government for more ample protection and relief, as a continuance of the present deplorable state of affairs cannot fail to bring upon us complete ruin, as well as blame and responsibility on the government.

Seventh. That these resolutions be printed and submitted, through our consuls and legations, to our respective governments, and communicated to his excellency General Mejia, to General Weitzel, commanding United States forces at Brownsville, and published in the principal newspapers in the United States, Mexico, and Europe.

So resolved and subscribed at Matamoras, Mexico, on the 16th day of January, 1866.
Santiago Iturria, José San Roman, Paul Zurn, Simon Celaya, Drøge Oetling & Co., Freo. Iturria, P. J. Garcia y Ho., Charles Culmell, I. Solis, Miguel J. Quin, Vtr. Pretat & Co., Hale & Co., O. Talamon, Dessommes & Co., Henry Graham, and 120 other names.

CONSUL'S CERTIFICATE.

We, the undersigned, vice-consuls of Spain, Prussia, France, and England, hereby certify that we have compared the preceding document with the original, and find it to be a true and correct copy of the same. We further certify that, from the best information we have been able to obtain, and from the solemn protests and declarations made before us by several of our countrymen, sufferers by the outrages at Bagdad, it is our belief that the contents of the foregoing resolutions are in every respect just and true.

MATAMORAS, January 23, 1866.

El Vice-consul de España,
DIMAS DE TORRES VELASQUEZ.

Le Vice-consul de France,
C. U. FROSSARD.

For Vice-consul of Prussia,
LUIS SCHUHMACHER.

CHAS. BAGNALL,
Her Britannic Majesty's Consul.

No. 10.

HEADQUARTERS DISTRICT OF RIO GRANDE,

January 25, 1866.

SIR: I forward to you, indorsed, one of the most remarkable documents that I have ever seen. I would have returned it at once had I not perceived that its effect is clearly to produce a false impression in foreign countries, and because it is signed by names that have always been considered here eminently respectable. It is only a few days since that I sent to General Sheridan, upon his order, a history of violations of neutrality that were committed on the other side of the river during our recent war. I sent sufficient proof to convince any one, and I can bring an enormous quantity more if required, that nearly all of the firms, if not all of them, whose names are affixed to the enclosed document, supplied the rebels with arms, ammunition and clothing, and everything else that was contraband and not contraband of war. I sent proof that the American steamer *Ike Davis* was captured by a band organized in Bagdad and run into Indianola and there sold. That one of the parties who committed this outrage openly boasted of it in the streets of Matamoras.

I sent proof that the American schooner *Florence Bearce* was burnt by parties that left Bagdad, although at the time she was reported to be lying in Mexican waters.

I sent proof that upon the receipt of the news of the death of our lamented President mock graves were dug and mock funerals held in the streets of Matamoras and Bagdad.

I sent other proof showing that some particular firms, whose names are attached to the enclosed document, committed particular violations of neutrality. I would have sent much more. I hear more every day, and by a capture only yesterday of rebel records I can increase this proof to an enormous extent. But I sent only as much as I did because I became disgusted with the duplicity, deceitfulness, and rascality which the investigations develop. I have seen with my own eyes storehouses that were nearly filled with shoes and blankets intended for the rebels, and owned by some of the signers of this wonderful document. It is notorious that some of the vice-consuls, if not all of them, whose seal is attached to the enclosed paper were engaged in contraband trade with the rebels. Yet, notwithstanding all these things were transpiring, did ever any of these gentlemen sign a protest against these outrages? There is no record of any. Having suffered severe losses by the sudden collapse of the rebellion, and through their confidence in the success of the rebel cause, and knowing that the officers and soldiers here were a part of the army that produced that collapse, they turn upon us now with bitter invective, and vent their spleen because, forsooth, we will not permit ourselves to be used by them as police officers, or detectives, to Emperor Louis Napoleon, or Maximilian either. I do not understand this to be the object for which I or my comrades are placed here, and therefore do not, nor permit my command to act as such. The sixth resolution presented by these merchants explains the secret of the troubles they complain of. They have not sufficient troops to preserve the communications for trade, or even to guard the smaller towns, and instead of distinctly laying the blame at the feet of the power which they profess so much to admire, they turn upon us.

Their first resolution merits my remarks only so far as it implies that all the power which the liberal forces on the frontier have springs directly from us. For months before we came here their trade communications were insecure. All over Mexico to-day, I am told, all the communications are either cut off or are hazardous, and by forces acting under President Juarez, whose power these gentlemen pretend so much to despise. I know that our arrival and presence here have given the liberals much moral support, and some of my officers or men may have, unknown to me, given material aid. But for these things I cannot be held responsible. I cannot control the private feelings of my officers and men; neither can my government be held responsible for this. But, did not the advent of the French and Austrians give the rebels equally as much moral support? I have already forwarded enough evidence to show these same merchants gave them as much material support as the rebel cotton would buy. The second resolution is an untruth from beginning to end, excepting so much as says that I have given, in the name of my government, repeated assurances that I desired to observe strict neutrality, and had so ordered my command to do. The third resolution is answered in my reply to the second. The fourth resolution is untrue in many respects. I have arrested all of those that were engaged in the pillage and capture of Bagdad, who have thus far been identified. I have a commission now in session to investigate the whole affair, and have, to the best of my knowledge and ability, and in accordance with law, taken every step that I could to remedy every evil complained of in this resolution, as my official records show. No one deprecates this outrage more than I do. No one condemns it more than I do, and my action has been accordingly. But should not an equal amount of blame of this outrage be thrown upon that power which guards so important a point as Bagdad with so insignificant a force, that a small band of filibusters can capture and pillage it? Or do these gentlemen think it my duty to guard their towns and goods? I have disavowed the capture and pillage of Bagdad. It was not known to me until 12 o'clock on Friday, the 5th instant. I know that my government will disavow it. I placed the town in the hands of no one. I found it on Sunday, the 7th instant, in possession of a part of the same gar-

rison which held it the Sunday previous. They were all newly-converted "liberals," under well-known liberal commanders. If this garrison had not proved false to its colors, I would have found it in imperial possession. Am I responsible because the garrison deserted and proved false? Why, no longer ago than yesterday the garrison consisted entirely of newly-converted liberals. All the measures in the fifth resolution that are by these merchants considered necessary to be taken by us have been taken. The sixth resolution tells the whole story. They admit there that the imperialists have not given them sufficient protection: yet they blame us for the evils resulting therefrom. The seventh resolution shows that the insertion of this whole document is to create an erroneous impression abroad. The whole document seems to me to be the fabrication of some blatant stay-at-home ex-rebel or disappointed cotton speculator. I believe that many of the gentlemen who signed it did not read it, as I can scarcely believe that some whose names are affixed would sign such a document. As it is to be so widely distributed, I have given every facility to have this published.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,
Major General Commanding.

Brevet Colonel C. H. WHITTLESEY,
Assistant Adjutant General, Department of Texas.

No. 11.

[Translation.]

TAMPICO, January 14, 1866.

Since my last, the city of Victoria, the capital of this State, has been reoccupied by the liberal forces under General Mendez, who, as we are told by the French, has augmented his force with two or three hundred negroes from Texas, which is, however, quite doubtful.

Stirring events are now of frequent occurrence in this State, and the liberals are moving with much energy. The forces under Mendez have recently captured two hundred and fifty freight mules near Tancasnequi, with a large quantity of merchandise. This is another severe check upon the commerce between this port and San Luis Potosi, and fully exposes the impotency of the so-called imperial power to control this country or to secure any real or stable hold upon it. But the end of this imperial farce is fast approaching, and little Maximilian will return to his great and good friend with his brutal decree of the 3d of October last as a testimonial of his disgrace, and to follow him with the memory of the assassinations that have taken place under it of thousands of defenceless Mexicans, whose only crime was that they loved their native land.

Dupin has returned to Vera Cruz, with the brevet of brigadier general, and has taken command of the contra-guerillas in that State. It is impossible to know what will be the result of his operations; but if the liberals are now as determined near Vera Cruz and Tabasco as they have been elsewhere, he may, from their numbers, meet with that retributive justice at their hands which his infamous crimes and assassinations, and the ravages he has committed in this State, demand. Yesterday one hundred and fifty French troops arrived here from Vera Cruz. They are to be sent to Tancasnequi. The attempt to open communication with security to the interior is, however, a failure.

Mr. M. ROMERO, Washington.

No. 12.

[Translation.]

VERA CRUZ, January 20, 1866.

Among the merchants of this place, as elsewhere, there are persons of different political opinions; but, with the exception of the French houses, all are open in their expressions against Maximilian and his miserably managed government. The multitude of vessels-of-war and commerce which enter and arrive at this port, and the cars which pass through the city, and which are constantly arriving and departing, make so much stir that you might think Vera Cruz a place of real commercial importance. But all this is delusive. Nearly all the effects that arrive are for the French army, and are a drain upon the country instead of yielding it benefit. These effects pay no duty, and the French merchants connected with the army, under the guise of this privilege, are doing the most scandalous contraband trade that has ever been seen in this or any other country. For the discharge of vessels that do not carry the French flag there are a thousand difficulties placed in the way. The wharf is very limited in its capacity, and is not over three hundred feet in length by thirty in width. Of this nearly all is monopolized by the French for the discharge of their effects. The ordinary commerce has scarcely any space at all.

When there are many vessels discharging, this ridiculous mole or wharf is quite insufficient for ordinary purposes; so you can imagine what are the inconveniences to the regular trade

at the present time. The same can be said with regard to the transportation hence to the interior. Everything is monopolized by the military and the French, and the charge by the railroad for the twenty leagues hence to Paso del Macho is so great that the merchants have petitioned for the wagons to be allowed to come down to Vera Cruz, as formerly; but this has been peremptorily refused by the military authorities.

With regard to Maximilian and his court, we have constantly the most ridiculous accounts. All seems the veriest farce. Carlotta asked of General Bazaine the little sum of \$500,000 for her journey to Yucatan, which she procured; but the modest request of Maximilian for a single million of dollars to expend on the repairs of some castle he has recently purchased in Europe was refused. How thin the veil that covers all these proceedings. Do they think the people do not know where the money comes from that is distributed with so lavish a hand on these journeys, all under the guise of the personal charity of these Austrians, who are fattening on the toil and blood of poor Mexico? In the palace at the city of Mexico there are now no longer any public offices. You know the immense size of that edifice, yet all is wanted for the court and its hangers-on. Consequently the various ministries, with their subordinate offices, have all had to be removed to other buildings, which have been purchased or hired for that purpose, many of them at scandalous rates, of French subjects, who purchased them at the sale of the church property. Such is the economy of this "highly civilized" government that was to do so much for "barbarous" Mexico. The annual estimate of expenditures passed by the last congress, in 1862 or 1863, was, for the entire expense of the national government, a little over eight million dollars. The expenses of this Austrian-French government are over fifty million dollars per annum. The salary of Maximilian is one million dollars; that of Benito Juarez thirty thousand dollars. And yet it is urged that Mexico is to be benefited by all this. Is there more security now than before? Is there more legitimate commerce, more prosperity, more tranquillity, after this four years of war and bloodshed?

I have been reliably informed that latterly more than eight thousand packages of ordnance stores have been transported from this place to the city of Mexico. The French have worked at this with such activity that there are now six great depots of such supplies in the city of Mexico, without counting those at Puebla and the immense supplies of such material which already existed at Mexico and in the interior. For what are these preparations? The United States government should be well informed of all that goes on here, and there cannot be too close a watch kept upon all preparations of this nature.

The guerillas are again upon the railroad, and yesterday the train coming in from Paso del Macho was attacked by them with loss of several lives. The road is principally guarded by the Egyptian negroes. Among so many classes of foreign soldiers as are here great confusion and clashing exist. The Austrians and the Belgians may be said to amount to nothing; the only force that is at all to be dreaded is the French; their troops are always kept well in hand and are efficient.

MR. M. ROMERO *Washington.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, February 18, 1866.

MR. SECRETARY: I have the honor to transmit to you the copy of a communication I have received from Mr. Lerdo de Tejada, minister of foreign relations of the Mexican republic, dated the 18th of January last, in Paso del Norte, marked No. 14, and annexed documents, from which it appears that Captain D. H. Brotherton, of the United States army, commanding at Fort Bliss, Texas, asked permission of the President of the Mexican republic, in the name of Colonel Edward E. Willis, commander of an expedition against the Apache Indians, and General James H. Carleton, commander of the district of New Mexico, to pass with his troops into Mexican territory, in case of necessity, in pursuit of the hostile Indians.

It appears from the same documents that the President of the Mexican republic granted the permission.

In communicating these facts to you as a new proof of the sentiments of friendship that animate the Mexican government towards the United States, it is pleasant to accept the opportunity that offers of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—OFFICE OF RELATIONS—
AMERICAN SECTION—No. 14.

PASO DEL NORTE, *January 18, 1866.*

I send you a copy and translation of a communication addressed to me yesterday by Captain D. H. Brotherton, commander at Fort Bliss, Texas, stating that Colonel Edward B. Willis, commander of an expedition against the Apache Indians, at Fort Selden, New Mexico, had directed him, by order of the commander of the district, General James H. Carleton, to request permission from the President of the Mexican republic to pass with his troops into Mexico, across the division line, in case of necessity, in pursuit of the hostile Indians.

I also enclose you copies of the communications sent to-day to Colonel Willis and Captain Brotherton, informing them that the President had granted the permission.

I communicate this to you for your information, and that you may make it known to the Department of State of the United States.

Accept the protests of my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO.

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington, D. C.*

No. 2.

MINISTERIO DE RELACIONES EXTERIORES Y GOBERNACION.

HEADQUARTERS FORT BLISS, TEXAS,
January 17, 1866.

SIR: I have the honor to state that I have received a communication from Colonel Edward B. Willis, first New Mexican infantry, United States volunteers, commanding expedition against Apache Indians, at Fort Selden, New Mexico, in which, by direction of the district commander, General James H. Carleton, United States army, he requests me to obtain from his Excellency President Juarez permission to pass over the line into Mexico with his troops, in case it should become necessary, when in pursuit of hostile Indians who commit depredations alike on the people of both countries.

If this application should meet with the approval of his Excellency the President, will you be kind enough to forward me the authority asked for at as early a moment as practicable?

I have the honor to be, with great respect, your obedient servant,

D. H. BROTHERTON,

Capt. Fifth Infantry U. S. A., Com'dg Reg't and Fort.

Hon. SEBASTIAN LERDO DE TEJADA,
*Minister of Foreign Affairs and of Government,
Republic of Mexico, Paso del Norte, Mexico.*

Es copia:

JUAN VALDEZ.

PASO DEL NORTE, *Enero 18 de 1866.*

No. 3.

[Translation.]

MEXICAN REPUBLIC—SEAL OF THE DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT.

PASO DEL NORTE, *January 18, 1866.*

SIR: Captain D. H. Brotherton, of the fifth United States infantry, commander of Fort Bliss, Texas, informed me in his communication yesterday that you, as commander of the expedition against the Apache Indians, at Fort Selden, New Mexico, and by order of the commander of the district, General James H. Carleton, of the United States army, had asked permission of the President of the Mexican republic to pass over the boundary line with your troops into Mexican territory, in case of necessity, to pursue the hostile Indians.

The government of the Mexican republic does not doubt that General Carleton ordered you to ask this permission, as he has command of the campaign against the Apaches; and if he waited for instructions from Washington upon the subject, the great distance might cause a delay injurious to military operations; therefore, the government of Mexico finds no

inconvenience in granting the permission, in consideration of the friendly relations existing between the two republics, and knowing it is a campaign against hostile Indians that are committing depredations to the injury of both countries.

For these reasons the President of the Mexican republic has charged me to say to you in this communication that you may have the permission to pass the boundary line into Mexican territory with your troops, in case it may be necessary to pursue the Apache Indians in the expedition you command against them.

Your most respectful and obedient servant,

S. LERDO DE TEJADA.

EDWARD B. WILLIS,

*First U. S. Vol. Inf. in New Mexico, Commander of the
Expedition against the Apache Indians, Fort Selden, New Mexico.*

No. 4.

[Translation.]

MEXICAN REPUBLIC—SEAL OF THE DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT.

PASO DEL NORTE, January 18, 1866.

SIR: I received your communication of yesterday, informing me that Colonel Edward B. Willis, of the first United States volunteer infantry of New Mexico, commanding the expedition against the Apache Indians at Fort Selden, New Mexico, had directed you, by order of the commander of the district, General James H. Carleton, of the United States army, to request permission of the President of the Mexican republic to allow you to pass the boundary line with your troops into Mexican territory, if necessary, in pursuit of those hostile Indians.

The President of the republic has no objection to grant the permission, and so expresses himself in the annexed communication to Colonel Willis, which I send unsealed, that you may see its contents.

Your most respectful and obedient servant,

S. LERDO DE TEJADA.

Captain D. H. BROTHERTON,

Fifth Reg't U. S. Inf., Commander at Fort Bliss, Texas.

True copies:

JUAN VALDEZ, *First Officer.*

PASO DEL NORTE, January 18, 1866.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, February 18, 1866.

MR. SECRETARY: I have the honor to inform you that the governors of the States of the Mexican republic have already begun to express their approbation, in the name of the States they represent, of the decree of the Mexican government on the 8th of November, 1865, prolonging the constitutional term of the President of the republic till the condition of the war will allow a new election. In this way the decree is receiving the popular sanction, in spite of the opposition of the enemies of the Mexican republic.

Reserving to myself the privilege of sending you hereafter, for the information of the government of the United States, all documents that I may hereafter receive in relation to that sanction, I now send you No. 3 of the official paper of the Mexican government, published at Paso del Norte, the 11th of January last, where you will find three communications from the governor and military commandant of the State of Coahuila, explicitly ratifying the dispositions of the decree referred to.

I profit by this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT,
OFFICE OF THE GOVERNOR AND MILITARY COMMANDER
OF THE STATE OF COAHUILA DE ZARAGOZA.

As this government and command have received the supreme decree of the 8th of November last, prolonging the functions of the citizen President of the republic for the specified time, during the present state of the war, and those of the powers of the person who may be president of the court of justice for the time necessary to the object of its prolongation, and sees that it is in conformity with the spirit of the constitution and to the interests of the republic, agreeable to the national will, and particularly to this State, it therefore decrees that it be fulfilled, and for that purpose has published it this day to the authorities and forces under its command, and will endeavor to give it the greatest publicity in the State.

I have the honor to communicate this to you for your information and that of the chief magistrate of the nation.

Independence and liberty! Rosas, December 8, 1865.

A. S. VIESCA.

EDUARDO MUZQUIZ, *Acting Secretary.*

The Citizen MINISTER of Foreign Relations and Government, Chihuahua.

No. 2.

[Translation.]

OFFICE OF THE GOVERNOR AND MILITARY COMMANDANT OF THE
STATE OF COAHUILA DE ZARAGOZA.

I have the honor to inform you, that you may bring it to the knowledge of the citizen President, that the decree of the 8th of November last has this day been ordered to be circulated in the State, in which decree the supreme government declares citizen Jesus Gonzales Ortega responsible for having voluntarily resigned the office of president of the court of justice, and gone to reside in a foreign land, without a license from the supreme government; and he is also declared responsible for the crime of abandoning the flag and cause of his country while a general in the army; and, in conformity with laws of congress and his full powers, he has appointed a president of the supreme court, for the purposes above mentioned.

Independence and liberty! Rosas, December 8, 1865.

A. S. VIESCA.

EDUARDO MUZQUIZ, *Acting Secretary.*

The Citizen MINISTER of Relations and Government, Chihuahua.

No. 3.

[Translation.]

OFFICE OF THE GOVERNOR AND MILITARY COMMANDANT OF THE
STATE OF COAHUILA DE ZARAGOZA.

I have the honor to inform you that the supreme circular of your department ordering the imprisonment of generals, chiefs, and officers who come from abroad without a license from the supreme government to leave the country during the war, and those who have a permit to go through another country and remain in it more than four months, unless they have been compelled to it by being carried off by the enemy, and return faithful to the cause of the republic, determined to continue their services to it, has this day been ordered to be promulgated in this State, for its due fulfilment.

Please make this known to the citizen President.
Independence and liberty! Rosas, December 8, 1865.

A. S. VIESCA

EDUARDO MUZQUIZ, *Acting Secretary.*

The Citizen MINISTER of Relations and Government, Chihuahua

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, February 23, 1866.

MR. SECRETARY: Continuing the transmission to your department of documents coming into my hands that may give a just idea of events now occurring in Mexico, I have the honor to enclose the documents mentioned in the accompanying index, showing recent transactions on the eastern military line of the Mexican republic.

Nos. 1 and 2 show what the Mexican patriots are doing on the eastern line, comprising the States of Vera Cruz, Puebla, Tlaxcala, Oaxaca, Tabasco, and Chiapas, for the independence and institutions of the republic—efforts that would be attended with better success if they had arms and ammunition, very difficult to procure in their actual position.

No. 3 contains the most important part of the republican general Don Ignacio Alatorre's official report on his defence of the town of Tlapacoyam, where his forces conducted themselves with the greatest courage.

Nos. 4 and 5 contain the correspondence between Lieutenant Colonel Zach, of the so-called imperial forces in the north, and General Alatorre, in regard to exchange of prisoners. That correspondence shows the necessity in which the invaders of Mexico are placed to acknowledge the absurdity of the usurper Maximilian's decree of the 3d of October, where the republican forces are denied the rights of belligerents; for though that decree is used to shoot the defenders of independence at certain times, on other occasions the invaders or their adherents, prompted by interest, exchange prisoners formally, and thus confess that the national forces are not composed of highway robbers.

No. 6 gives the official report of General Lazaro Muñoz on his victory at Espinal, State of Vera Cruz.

No. 7 is the report of Colonel Luis P. Figueroa on his occupation of the city of Villa Alta, in the State of Oaxaca.

No. 8 contains the terms of capitulation at Papantla, (State of Vera Cruz,) where General Alatorre retired after his defence of Tlapacoyam, and which was given up to Lieutenant Colonel Zach and his Austrian soldiers. It will also be seen in this treaty that belligerent rights are necessarily granted to the republican forces. The cause of General Alatorre's surrender is explained in General Garcia's letter to President Juarez, marked No. 2.

No. 9 is Don Mariano Ramos's account of the cruel treatment to which he was subjected while he was prisoner at Tezuitlan, of which district he was political chief under the constitutional government. This account, the original of which is in my possession, exhibits the conduct of the enemies of the Mexican republic, even towards the most respectable citizens who have the misfortune to fall into their hands.

No. 10 is a very interesting account General Porfirio Diaz gives, in a private letter, of all his movements, after his escape from the Puebla prison, on the 20th of September last. This brief narrative is another proof of the courage and bravery of this patriot general; and it shows the determination of the people of the Mexican republic to resist the empire as long as they have arms and other means to carry on the war.

Nos. 11 and 12, containing the official reports of the French agent, Luciano Prieto, to the usurper, show that Colonel Figueroa attacked the city of Tehuantepec, in the State of Oaxaca, on the 7th of January last, with a force of two thousand men. This information, coming from a French source, cannot be doubted, and proves that the contest in Mexico, so far from being at an end, as the French would have us believe, is hardly begun, and that the Mexican people

continue to struggle for their independence and their institutions through the whole territory of the republic.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

List of the documents sent by the Mexican legation in Washington to the Department of State of the United States with the note of this date, in relation to events on the eastern military line of the Mexican republic.

No. 1. January 17, 1865.—General Garcia to Mr. Romero: Account of the condition of things, and a letter for President Juarez.

No. 2. January 17, 1865.—General Garcia to President Juarez: Information of recent events on the eastern line.

No. 3. General Garcia to General Alatorre: Official report of the defence of Tlapacoyam, south of Vera Cruz.

No. 4. November 27, 1865.—Lieutenant Colonel Zach to General Alatorre: Proposal to exchange Austrian prisoners for Mexican prisoners.

No. 5. November 29, 1865.—General Alatorre to Lieutenant Colonel Zach: Answer to the above, accepting the exchange.

No. 6. November 30, 1865.—General Muñoz to General Garcia: Official report of the battle of Espinal.

No. 7. December 21, 1865.—Colonel Figueroa to Colonel Garcia: Official report of the occupation of Villa Alta, in the State of Oaxaca.

No. 8. January 15, 1866.—Terms of the surrender of Papantla.

No. 9. January 13, 1866.—Prefect M. Ramos to General Garcia: Cruel treatment of prisoners by the French.

No. 10. January 14, 1866.—General Diaz: Reports what happened after his escape from prison.

No. 11. Don Luciano Prieto: Official report of the attack of Tehuantepec, by Colonel Figueroa, with 2,000 men.

No. 12. January 11, 1866.—Report on the same subject.

No. 1.

[Translation.—Extract.]

TLACOTALPAM, January 17, 1866.

MUCH-ESTEEMED FRIEND: Your favor of the 25th November was received after long delay.

The letter you sent me for Colonel Mendez, governor of Tabasco, was forwarded to him by the first opportunity.

General Diaz wrote to me on the 22d November, from Tlapa, that he was going to begin serious operations against Oaxaca. Colonel Figueroa marched from Ixcatlan to join him, but, as you will see from my letter to President Juarez, he is now within the limits of Guerrero and Michoacan, and I do not know what has become of Figueroa. I heard to-day that he was in Tehuantepec, but the report needs confirmation.

I have no time to write more, but refer you to my letter to the President, which I enclose to you.

Your true friend,

ALEJANDRO GARCIA.

Senor Don MATIAS ROMERO,

Envoy Extraordinary and Minister

Plenipotentiary of the Mexican Republic in Washington.

No. 2.

[Translation.—Extract.]

TLACOTALPAM, January 17, 1866.

MUCH-RESPECTED FRIEND:

The situation is much as I predicted, and as I told you in my previous letters. In No. 25 of the official bulletin enclosed you will see that General Alatorre has been repulsed at

Tlapacoyan, after a stout resistance, in which the soldiers proved themselves heroes, because he had not arms and ammunition enough for his troops. I sent him \$2,000 in drafts, as he could make use of them in that part of the country, and empowered him to draw two thousand more from the State fund; but I fear the means reached him too late, or that it is the same there as here—there is no powder to be had, and no other munitions of war to be purchased, and for that reason General Alatorre may have to give up for want of them, in spite of his well-known courage and patriotism.

Colonel Figueroa asked me to aid him in the campaign against Oaxaca from the east, while General Porfirio Diaz was to attack from the west; but, with all I can do, I cannot get enough provisions for both of us in such an undertaking. I sent him all I had, and \$1,000 in silver, with which he set out. God grant that he may not meet the fate of General Alatorre, and for the same reasons. I have not heard from him since his arrival at Villa Alta, on the 21st December. General Diaz, they say, is in Guerrero or Michoacan; and if that is so, Figueroa must be alone in the vicinity of Oaxaca. A few days ago I heard he was in Tlaxolulan with his force, and to-day the chief of Tuxtepec writes me that he has taken Tehuantepec; but this last needs confirmation, for I should have heard it from Juchitan or Acayucan.

For all this, and notwithstanding the candor in which I write to you, to convince you of the danger of our situation and ask your aid, do not think we are discouraged, or that our nationality is in greater peril than before. Our courage has secured us a position, and has made the enemy dread us; so we will keep up our spirits and retain our independence to the last.

There is no more news in the part of the State of Vera Cruz which I occupy than what I have already told you about General Alatorre. We are daily threatened with an invasion by the enemy, but it does not come, nor do I think it will very soon, for they cannot spare the forces from Orizava, Cordova or Vera Cruz.

There is nothing new in Tabasco and Chiapas, and I can say very little to you about the State of Puebla, for the governor is on his way to Tezuitlan, almost cut off from this line.

Some American officers recently came to me and offered to enlist volunteers among their countrymen in this State, to fight for Mexican independence, but I could not accept their services for want of arms.

With the hope that you will not disregard my request, and will continue to write to me, I remain your true friend, &c., &c.,

ALEJANDRO GARCIA.

Senor Don BENITO JUAREZ,
President of the Mexican Republic, Paso del Norte,
(or wherever he may be.)

No. 3.

[Translation.—From the Official Bulletin, No. 25, Tlaxotalpam, January 4, 1866.]

Report of General Ignacio Alatorre on the defence of Tlapacoyan.

The great length of the report of the citizen general-in-chief of the northern coast to headquarters prevents us from giving it entire, but we will copy the most important paragraphs, that our readers may hear of the brilliant actions that have taken place in a portion of our State, and of the patriotism, valor and enthusiasm of those of the northern coast who follow the republican banner, guided by the loyal and valiant General Ignacio Alatorre.

This leader speaks thus:

"After the brilliant feat of arms executed at Tlapacoyan by my aid, General Manuel Andrade, last September, only a few encounters worth mentioning have taken place with the rebellious Indians of Misantla, which resulted in their being dispersed and driven from their mountains to the city of Jalapa, with their so-called General Calderon.

"The most noted action in the lowlands was the occupation of Hnatusco by Captain Manuel Marrero, who, with two companies of infantry and cavalry, took that place after two hours' fighting, killing many of the enemy, taking thirty prisoners, sixty guns, provisions, four cornets, a war chest and other valuables.

"While this was going on in that quarter, Colonel Honorato Dominguez was raising forces in Actopam and Coatepec.

"General Lara died on the 2d, and on the 13th General Mendez arrived and told me of General Lucas's victories in the State of Puebla.

"On the 12th I received the appointment with which I have been honored, and I immediately proceeded to organize all the forces into a north division, divided into four expeditionary columns, and giving the second command to General Andrade. General Juan N. Mendez was put over the first, in Papantla; General Andrade over the second, in Tlapacoyan; Lieu-

tenant Colonel Fernandez over the third, in Misantla; and Colonel Honorato Dominguez over the fourth, on the road between Vera Cruz and Jalapa."

The attack which he repelled at Thapacoyan is thus described by the deserving general:

"On the 15th the enemy took possession of Dos Cerros, with all the military apparatus of a large army on a grand campaign. They numbered over 2,000 men, of the best Austrian regiments, with eight pieces of rifled artillery and an immense train of supplies, on more than one hundred mules. My forces consisted of 200 soldiers and 250 national guards, with two pieces of mountain artillery. There were four of the enemy to one of my men. I did not think they would attack my small number with their entire force. I knew that I must get the worst in the fight, but I was determined to accept it, on account of the enthusiasm of my men, and to show the enemy what they had to expect. I ordered, therefore, the selected positions to be taken. On occupying Dos Cerros the enemy used a cannon and kept up a continued fire of musketry against my cavalry scouts, who were not injured. During the night I learned that the enemy consisted of more than two thousand men, and had ten pieces of artillery.

"On the 16th, at 8 o'clock in the morning, a strong column of infantry and cavalry moved upon Tomata Point, defended by Colonel Gonzales, who withdrew to the town with his forty men. At five in the afternoon I examined the lines of defence, and found the soldiers resolved to fight till death. I placed Commander Vicente Acuna over the Texcol, Paulina Machorro over the small fort of Izapa, and left Colonel Gonzales for the reserve. The rest of my forces, consisting of eighty men, under Colonel Miguel Perez, formed the general reserve.

"During the night there was some shooting in front.

"On the 17th, at eight in the morning, five hundred of the enemy, with two pieces of rifled cannon, swept down upon the flanks of my position, coming almost to the trenches of Izapa on my left. The trenches were occupied by fifty of my men, who kept the enemy at bay for a while, and finally dispersed them with their unerring shots, leaving the plain covered with dead bodies. The enemy did not stop till they had reached a distant part of the road, where they reformed under shelter of artillery.

"While this was taking place on the left, the rest of the enemy came down from the Gentile heights on the right and planted a battery of six pieces in a prominent place, and opened fire upon the town and the forts of Texcol, Arenal, and Zapote. While at a distance they gave us some trouble, but when they came nearer they were closely attacked and readily dispersed. This was continued all day till 5 o'clock in the evening, when the enemy retired from our reach, part to Gentile hill and the rest to Point Tomata.

"I then prepared to attack Tomata with two hundred men. General Andrade was to lead one hundred and I the other. He left Izapa and marched parallel to Tomata, while I took the other hundred diagonally from Texcol to the same point. I found two very deep ravines in my way, which stopped my progress, but General Andrade continued to advance till he attacked the five hundred of the enemy with their artillery. The assault was terrible, but unfortunately we had to retreat with a slight loss. I then joined Andrade, and we continued to the town, the enemy not daring to follow us. Our loss during the day consisted in the death of two brave captains, Amaro and Cervantes, one sergeant, one corporal, and two soldiers; Commander Granada and Captain Torres were wounded, and ten soldiers of different companies. We also lost six horses in a charge that Captain Torres made against some of the enemy's infantry.

"The town suffered much from the artillery that day, several houses being burnt or destroyed, and a part of the principal church considerably injured. The body of an Austrian officer was brought in, one wounded soldier, three prisoners, and five carbines.

"The morning of the 18th was rainy. I sent out thirty men with officers Luyando and Aguirre, to observe the enemy's position at Dos Cerros, and a squad of cavalry explorers to reconnoitre their position at Tomata. It was ten o'clock at night and the infantry had not returned. It caused me some uneasiness for those brave men. The scouts I sent to Naranjal brought back a prisoner, two carbines, and some bloody clothing showing the enemy had suffered in their retreat in that direction. Luyando and Aguirre returned at midnight with their thirty infantry, having been to Dos Cerros and Eytepego, where they found no enemy, they having probably retreated to Cuantosca and Huitamalco, to get out of the rain. On that day I had our wounded carried to the Jobo hacienda, six miles from town.

"At six in the morning of the 20th my cavalry scouts attacked Tomata. At eleven the enemy sent out some infantry and a piece of artillery and attacked Izapa, but soon retreated. General Ortega sent me word that three hundred Austrians, with two pieces of artillery, were coming from Huitamalco to occupy Tomata. The rest of the day and night passed quietly.

At six on the morning of the 22d the enemy began to move with their entire force, and at seven their artillery was in position. They opened a terrible fire upon Texcol and Izapa at that early hour.

Two companies of skirmishers that I had ordered to the Izapa and Penascal heights were dislodged by a large body of Austrians. At eight o'clock two columns of eight hundred men took position in front of Texcol and Izapa, and opened a terrific fire upon the latter. The brave soldiers sustaining the republican banner there waited till the enemy had come within forty paces of them, when they broke fire with such terrible effect the enemy fell

back, leaving the field covered with their dead and wounded. The enemy now increased their artillery to eight pieces, and soon levelled the Texcol fort, leaving its brave defenders of one hundred and fifty men exposed to a storm of projectiles. The column that had been repulsed from Izapa now joined the rest of the enemy's forces, and came down upon Texcol. Here they were warmly received, and soon retreated. The main column returned to the charge, retreated, hesitated, and then attacked us again. My soldiers fought in an open sea of fire, and the hail of musketry and artillery made sad havoc among them. The enemy finally succeeded in taking Texcol. Many of its brave defenders were killed; among them was Colonel Manuel Antonio Ferrer, the bravest of the brave, who fought with sword and pistol till he fell.

Once in possession of the key of all my positions, the enemy dashed on the Arenal, Zapote, and the church, scattering our soldiers in every direction. I felt that the numerical superiority of our opponents would give them the victory; so all that I could do was to march back to the plaza and retreat orderly with my remaining forces. I gathered up the wounded, collected what ammunition remained, and marched with one hundred and twenty men that evening to Ixcacoaco, less than five leagues from Tlapacoyan. I left Captain Aguirre with forty men to collect the scattering and bring up the rear.

My losses at Tlapacoyan were one colonel, five officers, twenty-five men, and one horse among the killed. The wounded were three chiefs, two officers, twenty-eight soldiers, and four horses. One hundred and twelve soldiers were missing. Two officers and eight of my soldiers were made prisoners; five of the soldiers were badly wounded. I also lost a mountain howitzer, with its caisson and ammunition.

"After their victory the enemy did not venture to send a single soldier in pursuit of us, which plainly shows how much they had suffered. Report says their loss was great; I reckon it at three hundred men."

Mr. Alatorre recommends no one, for he says they were all heroes, each rivalling the other in bravery. He mentions Lieutenant Juan Mejia, who being surrounded by the enemy, charged them boldly, and sacrificed himself before he would give up his sword. He says the coolness of Commanders Acuña, Granada, and Machorro merits the greatest praise.

General Alatorre mentions the burial of Colonel Ferrer by the Austrians; his body was borne by four captains, and his funeral was attended by all the officers.

This battle was a great calamity to our forces, but at the same time it was a triumph. The loss of the enemy was greater than our whole force. This will teach them what kind of men they have to deal with, and what they may expect while defending the unpopular and hateful cause of the empire. With many victories like this, the enemy will soon disappear from our soil, and foreign armies will no longer be found in America.

We lament the loss of Colonel Ferrer, for it is great. His sociability, his good humor, his elegant education, and his bravery, made him beloved and esteemed by everybody. He was a firm friend and a worthy leader. We must do him the justice to make known his good qualities, that his family may be proud to have had among their number such a man as Colonel Manuel Antonio Ferrer.

The general-in-chief, Ignacio Alatorre, in the defence of Tlapacoyan, has given another proof of his ability as a general, and of his cool courage as a soldier. We congratulate him on the defeat that has been regarded by us as a triumph, owing to his skill, activity, zeal, and well known courage. We have witnessed the pleasure that General Alatorre's courageous conduct in this affair gave to the general-in-chief of the eastern line, who has done him justice in extolling his merit.

No. 4.

[Translation.]

Correspondence between General Alatorre and Lieutenant Colonel Zach, commander-in-chief of the imperial forces in the Sierra del Norte, No. 1810.

TEZUITLAN, November 27, 1865.

GENERAL: I received your note of the 25th instant, in regard to exchange of prisoners, to-day. It was directed to the commander at Tlapacoyan.

From the reputation you enjoy everywhere, I would not have believed for a moment that you would have ordered the fifty Austrian prisoners to be shot, as reprisals.

I have ordered the prisoners of Tlapacoyan to be well treated. As to reciprocal exchange, I propose to you to exchange the fifty Austrian prisoners of war, now at Mizantla, for the prisoners of war that fell into my hands on the 22d instant. This proposal may seem strange to you, but I would accept a similar proposal.

If you choose to accept my proposal, please inform the commander at Tlapacoyan, who will at once receive orders to set the Tlapacoyan prisoners at liberty.

I avail myself of this occasion, general, to say to you that I sincerely wish you to acknowledge the empire. You love your country, and could be much more useful to it in sustaining the new government than in fighting hopelessly, as you are now doing.

This last battle does honor to your military skill, but it ruins your country.

Accept the assurances of my high consideration.

Lieutenant Colonel ZACH,

Commander-in-chief of the Imperial Forces in the Sierra del Norte.

General J. R. ALATORRE, *Jicaltepec.*

No. 5.

[Translation.]

JICALTEPEC, November 29, 1865.

In answer to yours of the 27th I inform you that the commander at Tlapacoyan sent two Austrian officers to the Jobo hacienda to agree upon the terms of exchange with one of my officers. The terms arranged by them was twenty-five men for a captain, ten for a lieutenant, and the soldiers man for man. This I hope is settled, as it was arranged by an Austrian who knew his business and complied with the customary formalities. If you have any objections to the terms, please let me know.

In reference to the latter sentences of your letter, you will excuse me from making any answer to them. My public conduct ought to be a sufficient answer for you.

I repeat the assurances, &c.

J. R. ALATORRE.

Lieutenant Colonel ZACH.

No. 6.

[Translation.]

Report of General Muñoz on the victory at Espinal.

MEXICAN REPUBLIC—MILITARY AND POLITICAL COMMANDANCY OF THE NORTHERN LINE.

After the events I communicated to headquarters, saying that an invasion was apprehended upon this line from the traitors of Zacapoastla, I did all I could to prepare for defence. I placed 200 men in Espinal, eight leagues south of this canton, under command of Colonel Juan N. Mendez, chief of the first expeditionary column of this northern division.

The enemy, to the number of 400 traitors, appeared yesterday before Espinal, and began the attack. They were immediately routed, as will be seen by the official report of Colonel Mendez, which reads as follows:

"At 7 o'clock in the evening of the 23d instant I heard that the enemy had occupied the hacienda of San Pedro with 300 men, and were marching on this place. So the captain of the fourth company of the first Papantla battalion immediately set out to take possession of Naranjo Pass, according to orders. I set out to re-enforce him with the other companies in El Rincon, and to defend the river; but when I reached there, I found the captain had already done so, as the enemy had crossed and taken possession of the place where he had intended to camp. Informed of this, I advanced towards the enemy's camp, with Lieutenant Colonel Jose Maria Zamarti, to examine their position and discover the best point of attack, since we had lost the best positions on the river. We came to Santa Catarina creek without meeting the enemy. I stationed two bands of fifteen men each at this place, under Lieutenant Manuel Fajardo and Sergeant Antonio Mata, and ordered them to open fire upon the enemy as they passed. As I was certain that I could find no better place to meet the enemy than the cemetery, I returned there, and ordered a slight intrenchment to be thrown up. I thus prepared for defence, and waited for daylight and the enemy.

"At 6 o'clock in the morning the enemy came up to the bands I had stationed on the roadsides, and a few shots were exchanged. They came on till they got in our front. They consisted of 400 men, and came shouting for the empire. They opened fire, and came rushing upon us in double-quick time; but our firmness and steady fire stopped them, and they turned our right flank. Their attack there met with no more success than in front; so they tried our left flank. Perceiving their intention, I gave orders for the second reserve to march across to that side; this was bravely accomplished. Disappointed in their expectations, the enemy began a shameful retreat. I then ordered Lieutenant Colonel Zamarti to pursue them with a company of fifty men. He followed them for two hours, till they crossed the river, when it was useless to go any further. He returned to Naranjo Pass with four prisoners.

"While this was going on I ordered the dead and wounded the enemy had left to be taken care of. There were seven dead and two wounded. Two Austrian officers were killed, and one native officer. Five guns were picked up, some loose ammunition, and one of the commander's horses. I had no doubt but many more could be found in the mountains.

"We lost not a single man on our side; only one resident of the place fell a victim to the enemy's balls.

"All the chiefs, officers, and men behaved bravely. It would be wrong to make distinctions among them, for they all did honor to their country. Yet, as the fortunate result of the action was mainly due to the bravery of Lieutenant Colonel Zamarti, I must make honorable mention of that distinguished name.

"I congratulate you upon this glorious triumph, and do not doubt that the valiant patriots I have the honor to command will conquer new laurels in defence of our dear country."

I am pleased to communicate the above to headquarters, and rejoice over a day that has brought honor to the brave republicans who are defending the sacred cause of the nation in this canton.

Independence and liberty! Papantla, 30th November, 1865.

LAZARO MUÑOZ.

General ALEJANDRO GARCIA,

Chief of the Eastern Lines, Tlacotalpan.

TACOTALPAN, December 30, 1865.

A certified copy:

JOSE A. RUIZ, *Secretary.*

No. 7.

[Translation.]

Colonel Figueroa's report.

STATE OF OAXACA—NORTHERN LINE—COLONEL-IN-CHIEF.

At 6 o'clock this evening I occupied this town, after driving the enemy from their formidable positions of Puente de Piedra, Puente de Tempascalapa, and Cuesta del Limon—all strong places, regularly fortified.

I shall take possession of Chuapam to-morrow. There is not a single soldier there now; those that were left there have deserted.

The traitor chief had the arms taken away; ten, however, remained on the ground.

Independence and the republic! Villa-Alta, 21st December, 1865.

LUIS P. FIGUEROA.

The GENERAL-IN-CHIEF of the Eastern Line, Tlacotalpan.

No. 8.

[Translation.]

Terms upon which the military question of Papantla was arranged, between the commander of the Austrian troops, Major Sachonowsky, on the one part, and Mr. Lazaro Muñoz, political chief of the line of the State of Vera Cruz, and General Ignacio R. Alatorre, chief of the forces of the same line, on the other part.

1. The republican forces shall be disbanded, and the sums necessary to carry them home shall be advanced to the soldiers on account of the empire. These same forces shall take care of the garrison of the place, till a force composed entirely of Austrians shall replace them, which shall be on the day after the ratification of these terms by the commander-in-chief of the imperial column, Major Sachonowsky, who will sign them. Previous to that day an officer will come to receive the munitions of war remaining in the place, the artillery, and the spare guns. The generals, chiefs, and officers shall retain their arms.

2. The generals, chiefs, and officers in the place who do not spontaneously volunteer to adhere to the empire shall have full liberty to go where they please, with the necessary securities, and without being molested in any manner. As many of them cannot set out very soon because their families are not here, or for other reasons, a month shall be allowed them to leave in. This month shall begin on the day that the place is occupied by the Austrian troops. All of the generals, chiefs, and officers shall have passports granted them as soon as they request it, giving them due protection. A list of all the generals, chiefs, and officers who do not submit to the empire shall be made out and delivered to Mr. Sachonowsky.

3. The wounded and sick of the republican forces, now in the hospital of Papantla, shall be attended and taken care of, and shall receive the pay corresponding to their rank; this pay shall be on account of the empire. When they have recovered, they shall have full liberty to go where they please, and passports shall be given them, with all the necessary guarantees, and money shall be given them, on account of the empire, to take them to their places of residence.

4. The debts contracted by the republican forces in the cantons of Hapacoyan and Mizantla shall be recognized and paid. Those who have been political and military chiefs of those cantons, Mr. Miguel Perez and Lieutenant Colonel Francisco Andicochea, shall arrange this business, and shall certify the debts, which shall not exceed eight thousand dollars; and the debt shall be subject to liquidation by the imperial commissary in his name.

5. The decision of the political question shall be made separately and alone with Lazaro Munoz, after these terms are ratified, and the imperial commissary and the commissioner who comes in his name.

6. Six copies of these terms shall be made out and signed by the proper persons; three shall remain in the hands of the general-in-chief of the republican forces, the other three in the hands of the commander of the Austrian forces.

SACHONOWSKY.
ALATORRE.

PAPANTLA, *January 15, 1866.*

No. 9.

[Translation.]

PRISON OF THE CONCEPTION CONVENT IN PUEBLA,
January 13, 1866.

MY MUCH ESTEEMED FRIEND: I will proceed to inform you of my situation. I had the misfortune to be taken prisoner at Zopiloapam, on the 18th of last month. Five months ago I was political chief and military commander of the district of Texiutlan, for the republican government, and in that capacity I labored incessantly, with the few loyal left in the district, for the triumph of the national cause.

After our last defeat at Tlapacoyan, Ixcamaco, and Zanjamala, the governor, Don Fernando Ortega, endeavored to fall back to Papantla, and charged me with the collection of a loan he had imposed upon the estates in my district. The discharge of this duty was very dangerous, as the enemy in large bodies occupied Hueytamala and Mecapalco, and made frequent excursions to the other estates in the lowlands, but my duty and the need of money for the troops made me brave every danger.

At first I executed my commission entirely alone, without much difficulty; I had to devise many ways and suffer much mortification on account of the avarice and obstinacy of three or four proprietors, who tried to get off from paying small sums. They even put themselves under the protection of the Austrian commander at Mecapalco; they gave a description of me, and mentioned places where I might be found; they furnished men and mules to hunt me, until I was caught at last.

As my vigilance and precaution had disappointed the enemy up to this time, they determined to disguise themselves as lowland muleteers, besmearing their bodies and faces with dirt, like the laborers in that country.

I was at Zopiloapam, the estate of my friend, Rafael Avila; we had just breakfasted and had gone out to look at the road where mule-gangs were passing now and then loaded with sugar, flour, mats, and other goods, on the way to Papantla. Presently a drove of eight mules came up; one man was on the front mule, and three or four followed on foot, clad in coarse cotton and palm hats. When they got to the foot of the hill of the farm, they halted to water their beasts at a rivulet that ran near. About five hundred yards behind them three other muleteers, without mules, made their appearance. This circumstance attracted my attention, and I remarked to my companion that there seemed many drivers for so few mules. My horse was saddled and I was going to mount, when Mr. Avila said, "Don't be afraid; there is my son just coming from the field behind the last men; if they had been enemies they would have taken him and his horses." This reasoning seemed correct, and we looked at the passing muleteers. When they got close up to us, all seven darted upon us like lightning, drawing their knives and revolvers, and proclaimed us their prisoners. We found, too late, that all the men were Austrians except the one mounted in front, whom I recognized as a man from Mecapalco. The mule loads were fictitious; the rolls of matting contained ammunition and the rifles of those who had apprehended us.

In less than five minutes thirty infantry and ten cavalry, all Austrians, came dashing upon us. They surrounded the house, broke it open, and took whatever they wanted. Saddles and harness, provisions and clothing, carpenters' tools, everything was taken, just as if the house had been a strong citadel defended by a powerful enemy. I immediately told them who I was, and assured them that the owner of the place had taken no part with me. They

would not listen to me, but secured us, Don Rafael, his son, and me, in a room, and tied a stable boy and an old cook; all others on the place managed to escape. Every cabin was searched, and everything that could be of any use was taken. A double sentry was placed over us, and the officers themselves stood watch over us during the night. They shot a bullock and built large fires out of the fencing to cook it, and eat everything they could lay their hands on. The next day they took us five prisoners, like malefactors, to Mecapalco, each horse led by a dragoon and a foot soldier. Of course they took my papers, my sword, the only aim I had with me, and my knapsack of provisions, hanging on a nail. We were locked up at Mecapalco in the same manner, a soldier all the time on guard before me. The officer who had charge of me at Mecapalco accused me of having said to a servant, at the Mirador farm, that Don Fernando Ortega would soon come and release me. "That is not so," I replied, "for all I did was to write to the owner of that ranch, and to the owners of Coaxocota, Canoas, and of this place, who tried to avoid the payment of their taxes; I said I could patiently bear my present misfortune, but some day the defenders of the national cause would revenge me." The papers that were taken from me will show what I am; that, as a faithful servant of the republican government, I have obeyed commands and the inspirations of patriotism in defence of the national cause; but there is not a single document or declaration of any kind among them to prove me a bandit or an assassin. I am ready to suffer the full rigor of the law, but I am not willing that Mr. Avila and the others who were taken with me should suffer, because they are innocent.

This declaration did no good; we were carried to Texuitlean, where I repeated what I had said to Major Zenowski. I don't know for what reason, but the next day after our arrival Mr. Avila, his son, and servant were set at liberty, after the farm-house had been sacked and abandoned.

I was to have been sent to the fortress of Perote the next day, but the tears of my family induced the authorities to let me remain one more day to have my clothes washed. All the clothes I had were what I wore, for I had lost all the rest in my visits to Zacapoastla, Tetela, Alcuacatlan, and other places in the mountains and lowlands.

On the 23d I was put on a miserable horse and escorted by Don Ermenegildo Carrillo, one sergeant, and two Austrian dragoons. The four good horses of Mr. Avila, my own, and everything we had was declared booty.

From the 23d to the 29th of December I was confined in a dark, dirty prison; was not permitted to see any one, nor even to write to my family. I requested to be brought to this place that I might have the comfort of seeing my children, Albert, and General Ramirez, who had been six months in prison.

On the 30th and 31st the journey from Perote to this city was continued, my horse being fastened to that of a lancer. One officer, twelve Mexican cavalry, and two Austrian officers, one sergeant, and two soldiers, escorting an unfortunate man like a criminal, attracted the attention of the people along the road, and it gave me great mortification, because they could not know who I was, or the cause of the outrage. My arrival was in the night, as fortune would have it.

At eight o'clock I was before the door of Mr. Thun's house, in Old Post Office street, with my guards. An orderly was coming out as the Austrian lieutenant went in. He brought back a written paper, and I was taken by the guards to the hospital, and from there to this convent.

At my request they took me to the jail where my son was confined, with fifty of our unfortunate companions. Generals Tapia and Ramirez had been exchanged; so, of course, we did not see them. I embraced my son Albert, after fourteen months' separation. When he was wounded by a shot at Tezuitlean I was in Zacapoastla; and for some days I thought he was dead, for his wound was very serious. When he began to recover he was taken at Conxotoca, where he happened to be with two of his sisters and Ramirez, who had just married one of them. They were at the wedding feast; and he intended to settle down and go into some business to support our distressed family. Vain resolutions! They were denounced, captured, and led to prison, no attention being paid to their excuses or requests.

The consolation of being with my son did not last long. An adjutant came to the prison the next day, the first instant, with an order signed by Mr. Thun, that I should be separated from my son, and not allowed to communicate with any one. And here I have been to this day, in a room, having a sign written over the door with charcoal—"El Gabinete Negro"—The Dark Closet—often without light at night, and during the first days needing everything to make my situation tolerable. Slowly I obtained a few comforts, and I have lately managed to write, secretly, to several friends, informing them of my misfortune.

The barbarous decree of the 3d October weighs upon my heart, and though it has not yet been carried out, a fatality, a revenge, or some other incident might cause the completion of my sacrifice, and perhaps it would remain unknown for some days to the world, and particularly to the republicans.

I am the only chief here who has been captured since the decree. The officers and soldiers who were taken prisoners at Tlapacoyan and Izuacaro have been exchanged for fifty Austrians who were in our hands. I have no hope of exchange; the last have been surrendered, and I am still in Perote, perhaps forgotten.

The rigor and care with which I am guarded, the imprudence of our leaders, and the crimes

of some perverse men who exist, might cause the death of some Austrian chief outside of the battle-field, and then I would be the certain victim of reprisal.

I am not afraid of death, and I can bear it; but I do not wish to be buried in the sad obscurity that has always attended me by nature or by circumstance, and I wish my posthumous reputation to be beneficial to my children.

I have struggled ten years for the supreme principles of democracy, with my voice, my pen, and my sword. Though my efforts have been on a small scale, they were as great as my genius and my means would allow, and my sacrifices have been many.

I lost a beloved mother from grief at my joining the revolution. I spent a fortune of five thousand dollars in raising a squadron of cavalry that served in the State of Vera Cruz during the revolution of Ayutla, and afterwards in the campaigns and sieges of this city and district of Tepeaca. And the rest of my property was lost at the sacking of Acatzincó, where the last walls of my house were destroyed.

Calumny throws her poison at the unfortunate who cannot defend themselves, and this evil is the one I most dread, for it is hard, when I am doing my best for my country, to hear it said I am not doing my duty—that I have turned traitor and been pardoned. These are the slanders that kill or injure the honor of a citizen.

These are the reasons that induce me to write to you, begging you as a good Mexican, who would care for the reputation of a man in adversity, now that your pure and disinterested patriotism has placed you, pen in hand, against the empire, that you will consecrate a few lines to me at present, if possible without compromising you in any manner.

Your estimable paper has a large circulation, and it would be very agreeable to me to let my fellow-citizens know that I have done my duty, and that I am ready to seal with my blood the political creed I adopted in my childhood, and have never once changed.

Your true and affectionate friend,

MARIANO E. RAMOS.

Mr. RAFAEL J. GARCIA,

Editor of La Idea Liberal, present.

No. 10.

[Translation.—Extract.]

STATE OF OAXACA, SANTA LUCIA, MONTE VERDE,
District of Tlaxiaco, January 14, 1866.

I am going to tell of what happened to me after my escape up to the present time, and if you have read what I wrote before, this will be a tedious repetition.

I made my escape on the 20th of September, at midnight. On the 22d and 23d I had two skirmishes with the traitors who pursued me; the first was with twenty cavalry at Tehuilingo, the second with forty at Piaxtla. The rest of the month was taken up in going to Tapla, where I took a small force of the national guards and returned to meet Visoso, who was still within the limits of Puebla with Guerrero, and had been one of my most vigorous persecutors. I overtook him at Tulcingo; a fight took place, the enemy retreated and left everything, money, arms, and ammunition, in my hands, besides forty dead upon the ground.

After this, placing all my booty in the hands of General Alvarez, I went to Providencia to have a conference with him. I was well received in all the towns, and at the headquarters of the south. The governor was disposed to give me what he had, that is, arms and ammunition, but no money, because he had none. I could get any number of troops from the south, on condition that I supported them from the time they enlisted. While at Tixtla, on my return from Providencia, I heard that a column of the enemy, consisting of seven hundred men of all arms, traitors and Austrians, had occupied Tapla, while about two thousand French and traitors threatened El Paso del Mescala, from Iguala. I took three hundred infantry from Chilapa, with a few mountaineers, and marched upon Tapla. The enemy retreated, leaving Visoso with two hundred and fifty men to watch us. I had to discharge the men from Tapla, because I could not maintain them. I gave Visoso positive information of this, when I was sick in Tapla and he twenty-one leagues distant at Comillipa, and he was very much emboldened by this. On the 3d of October I ordered the military commander to march the national guard into the square; he did not know why it was done. After the morning parade I started out, and on the 4th, soon after sunrise, I had given Visoso a good whipping. He left eighty-one dead, three officers among them, twenty-four prisoners, arms, horses, &c. I obtained some re-enforcements there, with Bernardino's cavalry, which made me one hundred cavalry and as many infantry. I returned to Tapla, and went from there to Silacayoapam, which I reached on the 13th, the traitor garrison having escaped before my arrival. I organized the authorities and the national guard, and then went to do the same at Tlaxiaco; but I had hardly been three days in the place when a column of Austrians and traitors of seven hundred men made their appearance. I was compelled to evacuate the

place; so, on the 22d, I left Tlaxiaco and retreated only as fast as the enemy pursued me, but so slowly that I only went seventeen leagues in one week, while the enemy came nine. The Austrian column returned to Oaxaca, where it was needed, and left one hundred and fifty men to watch me, while three hundred were stationed in Tlaxiaco. I prepared to attack those that were watching me, but hearing of my intention they retreated to Tlaxiaco. I now got the aid of one hundred and fifty infantry, and approached Tlaxiaco. The enemy came out to meet me, and were beaten in two different encounters, after which they retreated to the town. I took four horses, fourteen lances, five guns, four prisoners, one bugle, six muskets, and scattered thirty of their men. I cannot exactly tell the number of killed and wounded; they say they had but one killed and five wounded. I had one lieutenant killed; I was two days in possession of part of the town, within pistol-shot of the enemy, and they did not dare to attack me; but as they were expecting re-enforcements, and I had no such expectations, I had to go to the towns where I could get provisions for fifty horsemen and one hundred and sixteen infantry. I had to discharge one hundred and forty men, because I could not feed them without trespassing upon the inhabitants. While I was threatening Tlaxiaco, Silacayoapan was evacuated by the enemy and reoccupied by the political chief with his national guards.

Although five hundred re-enforcements have arrived for the enemy in Tlaxiaco, and one hundred of them are Austrians, they have not ventured to attack me.

This is all I have done up to this time. I will inform you of my future movements as they take place. I have ordered the poll-tax to be reduced to one real, and have given back the excise to the State, as it was in 1864. I have not been able to pass to the northern part of this State. I sent my orders everywhere, but have received favorable answers only from Figueroa and Juchitan. This is a good time to effect much and to extend the eastern line much more than it was in 1864, but I have no means and can do nothing.

Your true friend,

PORFIRIO DIAZ.

C. MATIAS ROMERO, &c., *Washington.*

No. 11.

[Translation.]

TEHUANTEPEC, *January 7, 1866.*

I take great pleasure in informing you that at 7 o'clock this morning the dissidents of Juchitan, assembled by Figueroa, made their appearance in the suburb of San Blas to the number of two thousand infantry and cavalry, with the intention of attacking Tehuantepec.

They divided their troops into three columns, one on the hill, and began the attack. Two of the columns assaulted our fortifications on the north and south. They were bravely defended. I then sent a reserved section, protected by artillery, to attack the enemy on the hill. With an impetuosity worthy of all praise it drove them in disorder, and took possession of the heights.

Those that had attacked north and south could not stand the warm reception our garrison gave them, and they soon retreated in confusion.

I cannot at present say what was the enemy's loss, but I am told it is over one hundred killed, and Maximiano Vera is among the number. We took one hundred guns, six chests of ammunition, and some horses. On our side, as far as I can ascertain, the loss was seven killed, among them one officer, and thirty wounded, some of them seriously.

LUCIANO PRIETO,
The Political Prefect General.

No. 12.

[Translation.—Extract.]

PREFECTURA POLITICO OF THE DEPARTMENT OF THE ISTHMUS OF TEHUANTEPEC.

January 11, 1866.

YOUR EXCELLENCY: I have the honor of communicating to you that on the 7th instant, at 7 o'clock in the morning, the liberals from Juchitan, re-enforced by others from the mountains, the latter of whom came down on the 4th, and all of whom were under the orders of Figueroa, attacked this place, being over two thousand strong and divided into three columns. One column moved directly against the fort on the hill, and the other two columns moved from the north and south, so as to flank the fort and gain possession of the breastworks. Being aware of the fact that the possession of the aforesaid hill would be of great advantage to the enemy, I detached a column to drive them back. This column was successful in attaining the desired result, as the fire which it opened on the enemy was so severe

that he could not stand it, and therefore broke in all directions. At the same time I ordered a general fire along the whole line of the breastworks, which checked the columns advancing from the north and south. Finally these columns had to retire, after suffering considerable loss.

In this engagement, which lasted little over one hour, and which redounds much to the credit of Tehuantepec, the enemy lost one hundred and eighteen killed, and among the number Figueroa.

* * * * *

LUCIANO PRIETO,

Political Prefect and General Commanding.

The MINISTER OF INTERNAL AFFAIRS.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, February 24, 1866.

Mr. Romero presents his compliments to Mr. Seward, and has the honor to transmit to him for his information a copy of an extract from a letter which he has just received from General Alvarez, commander-in-chief of the southern division of the national army of Mexico, dated the 20th of January last, from La Providencia, in which an account is given of two victories obtained by the forces of said division over the invaders who occupy Acapulco.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

LA PROVIDENCIA, *January 20, 1866.*

MY ESTEEMED FRIEND: * * * * *

"Hereabouts nothing has occurred of importance beyond the occupation of Acapulco by the invaders. The enemy is still shut up in that city, and has suffered two defeats at the hands of our forces, on the 3d and 4th instant, which have greatly demoralized them; several of them were killed and wounded, and they were compelled to fall back upon the fortress of San Diego. This is equivalent, as you know, to leaving us masters of the city. The climate, besides, is decimating them."

* * * * *

JUAN ALVAREZ.

Señor MATIAS ROMERO,
Mexican Minister, New York.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, February 24, 1866.

MR. SECRETARY: In a note which I addressed from New York to your department on the 6th of November, 1865, I mentioned that I had sent your note of the 3d of that month, relating to duties collected from American citizens by General Alvarez in Acapulco, to my government. I now send you a communication from Mr. Lerdo de Tejada, minister of foreign affairs of the Mexican republic, dated at El Paso del Norte, the 22d of January, and numbered 22, in which I am informed that your note had been sent to the Secretary of the Treasury for his decision, as the affair belongs to that branch of the government.

I avail myself of the occasion to express to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT, OFFICE OF RELATIONS—
AMERICAN SECTION—DUTIES COLLECTED IN ACAPULCO.

No. 22.]

PASO DEL NORTE, *January 22, 1866.*

I have received the duplicate of your note, No. 554, of the 6th of November last, containing a copy of Mr. Seward's to you, on the 3d of November, in relation to duties collected by the governor and military commander of the State of Guerrero from citizens of the United States who said they had paid them once to the French when they first occupied that port.

I have also received the original note, No. 629, 1st of December following, in which you inform me that you had sent my note of the 25th October previous, on that subject, to the Department of State.

Notwithstanding the particular reasons the governor of Guerrero informed you he had for collecting those dues, stating that he was forced to do so in punishment of the course of the persons from whom the duties were collected, and assuring that in the future no custom-house duties should be collected twice, Mr. Seward said he hoped the money would be returned to those citizens of the United States by the authorities of the port of Acapulco.

As this business belongs to the treasury department, I have sent copies of your note, No. 554, and Mr. Seward's to that department, to decide the case according to the evidence of the enclosed documents.

Accept the protests of my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, March 1, 1866.

MR. SECRETARY: To give a slight idea of the events which characterize the present contest of the Mexican republic against its invaders, I have the honor to enclose with this note three documents that have been delivered to me by a special commissioner. They relate to events that happened in December last, in Huasteca and Sierra, States of Mexico and Tamaulipas.

The first of these documents is a manifest of Colonel Joaquin Martinez, military commander of the second district of the State of Mexico, and chief of the division of the same, addressed to the President of the republic. You will see from it the immense sacrifices the patriots of that part of the country have been making for a long time to maintain the struggle in defence of the independence and institutions of Mexico; and you will also see that the people have endured all sorts of sufferings, have abandoned their fields and their interests, stopping at nothing, to resist the foreign enemy and its partisans. In many encounters they had to fight with little ammunition; yet, thanks to their courage, they have often obtained signal advantages over their enemies, who had all the elements of war in abundance. This unequal situation could not be continued long; and it was for want of ammunition that Colonel Martinez found himself obliged to surrender with the forces under his command, and to sign the treaty made with Don Vicente Rosas, chief of the intervention forces, on the 9th of December last.

The second document is a circular from Colonel Martinez, addressed to the principal chiefs of the republican forces, explaining his conduct in the same terms used to the President.

The third document is the treaty signed by Colonel Martinez with the interventionist chief, Rosas, on the date mentioned. In its articles it is to be seen that, notwithstanding the so-called decree of the usurper of the 3d of October last, not only have they been obliged to accord belligerent rights to these forces

of the republic, but also to render justice to the valor and merit of Colonel Martinez and the subordinate officers of his command, by permitting them to retire to their homes without giving any pledge not to take up arms again in defence of the republic.

It is also to be observed that the people of the district who had been fighting against the so-called empire were allowed to retain the arms they had used on that occasion.

These circumstances led Colonel Martinez to state in his communication to the President that, if he could count upon a supply of ammunition, these same people, led by the officers who had thus submitted without compromising themselves for the future, would again rise; and, provided as they are with arms, would renew the struggle against the invader, and would gain greater advantages than ever in favor of the national cause.

Before concluding, I wish to call the attention of the government of the United States to the fact that the recent capitulations or surrenders of the national forces in Mexico were caused by want of resources in general, and especially of arms, ammunition, and the other elements of warfare.

Such was the cause of the capitulation of the forces at Huasteca, referred to in the annexed documents, of the evacuation of Tlapacoyan, and of the surrender of Papantla, mentioned in my note of the 23d of February last to your department.

Other similar occurrences have happened, and it is feared more may occur in future from like causes.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

Citizen Constitutional President of the Mexican Republic:

I, Citizen Colonel Joaquin Martinez, by the vote of the people and armed force military commander of the second district of the State of Mexico, and chief of that division in the republican army, appear before you, as in duty bound, and with due respect, through the commissioners for that purpose, Captain Sisto Lopez and Lieutenant Francisco Plaza, and declare that—

Since the evacuation of the capital by the government of the republic, I have used all means and made every sacrifice to provide for the defence of my country, and make war on its enemies in this important section of the republic, which I have governed since April last, when Don Ignacio Ugalde gave up Huejutla by virtue of a wicked treaty concluded with the enemy.

Since that time, citizen President, I have worked incessantly to annoy the enemy; and if my efforts have not corresponded to my hopes, it is because I have acted alone without help. My division, formed of the forces of the second district, amounts to two thousand men, well armed. The positions they hold cannot be taken, though there is not more than one round of cartridges per man in this division.

When the enemy thought seriously of taking Sierra and Huasteca in September last, my situation was dreadful, because I could not think of opposing such a storm as threatened me; yet, at a great sacrifice, I procured some ammunition, and on the 29th of October, with the hope of defeating the enemy's plans and obtaining the necessary elements of war, I attacked Huatla and took it, after a stout resistance from the enemy.

This combat gained great glory for the arms of the republic; but I did not get the munitions I expected, finding only two boxes of provisions, which circumstance made our situation worse.

The enemy, seeing their plans frustrated by this defeat, formed others, and sent over 5,000 men upon us at Sierra. The representatives of the towns remaining faithful to our cause made known to me that the inhabitants desired peace, so I was forced to sign the treaty of the 9th of December, a certified copy of which will be presented to the Chief Magistrate by my commissioners, who will inform you of all the causes that compelled me to take the step, and of the sentiments of the people.

You will see from the copy of the agreements, citizen President, that I was only waiting for a more favorable occasion to utilize the services of the loyal people to better advantage, without any regard to myself, for I wanted no guarantee; and if I did not present myself to the supreme government of the republic, and submit myself to its judgment, it was because my absence would cause immense injury by the loss of arms, and the complete dispersion of the forces under my command; for the enemy would leave nothing undone to gain the sympathies of the people, using gold, cunning, and flattery to gain their ends.

From what I have said, the citizen President will see how necessary it is to deign to notice these people, and furnish them with munitions of war, for the want of which they were compelled to capitulate. I am certain that, with sufficient provisions, some pecuniary resources, and the aid of a thousand or fifteen hundred men, three or four thousand men more could be recruited in a short space of time, and all that we have lost be recovered. Moreover, we could get nearer the capital and open the communications with Vera Cruz, Tlaxasco, Guerrero, Michoacan, and Tamaulipas, and thus the general government could get information from those distant States, and learn how to direct its operations. This is my humble opinion, and what I think ought to be done.

I am sure the government will take my arguments into consideration, and will soon give effective aid to the loyal servants of the country, who have never lost faith in its cause, and are still disposed to fight for the maintenance of their republican institutions and the autonomy of the nation.

Independence and the republic! Headquarters, in Tlamiltepec, December 31, 1865.

JOAQUIN MARTINEZ.

No. 2.

[Circular.—Translation.]

REPUBLICAN ARMY, DIVISION OF THE SECOND DISTRICT OF THE STATE OF MEXICO—
COLONEL-IN-CHIEF.

I enclose to you, for your information, a certified copy of the treaty or agreement made on the 9th instant by the commissioners of these headquarters and those of the chief of operations in the Sierra and Huasteca. This document secures peace to the people and honor to our arms; for it allows officers and men to retain their arms, and the former to go where they please, and engage in any service.

I have no intention to declare that I have done a good act; but I must say I have done honor to our arms in a struggle in which the people have shed their blood profusely, and sacrificed their domestic interests with singular unselfishness.

Although my duty as governor and a public man prompted me to continue the contest, another internal voice counselled me not to make vain sacrifices. In looking at the people on the line who were faithful to our institutions, I saw suffering depicted in their countenances, and misery was visible in the faces of all the inhabitants. The mother prayed for her son; the old man, decrepit with age, expressed his longing for peace in his face; the wife asked for her husband, who was on guard, or in some other urgent service, and could not provide for his family at home. In looking through the ranks of the division I saw joy depicted in every countenance, a laurel crown of victory, glory, and content on every brow; but on examining the munitions their scarcity was astonishing—there was scarcely a ration apiece for our men, and we hardly knew where to find food for the next day. As a contrast to this, honorable terms were offered. I accepted them, and my conscience is quiet.

Large forces were now approaching our lines; the liberals prepare to meet them; a conflict takes place, and the enemy are vanquished at Huatla. Here we obtain a few supplies. But the storm returns with greater violence: the public authorities of the circumjacent towns hear it, and beg me to move away from them, to quit a country already impoverished by war, and the people in almost a starving condition. A conference takes place on the 30th of November; a council of war is held on the 4th and 5th of December at Acapa; the terms are arranged and the treaty is signed.

If our provisions had not given out, if our ammunition had not failed, we would have shown the world that we could die like the Spartans at Thermopylæ; but our position was desperate, and reason and common sense told me it was wrong to make more useless sacrifices.

This is a faithful account of my acts: history will judge of them, and the public, that sees and observes everything, will declare that I have done my duty.

Therefore I hope the forces under your command will see things as they are, and not attribute any blame to me, and I promise to do what I can to quell any disturbances that may arise.

That the work may be resumed with more vigor, it will be necessary to give the forces a little rest. During this interval, I advise all and every armed citizen to observe the greatest circumspection; and let there be subordination, discipline, and respect to morality. Let the world see that the defenders of independence are good citizens, compelled to war by duty. Let the world know that there are yet worthy imitators of Escamilla and Rizo.

Death is certainly preferable to subjugation; but at present the common mother of Mexicans, the land of Hidalgo and Morelos, requires our preservation, that our services may be made use of at another time.

I tell you of all this that you may know what has taken place, and that it was done by a council of war. No single person is responsible: I gave my reasons, and will accomplish what I promised, in accordance with a vote of the majority.

Independence and the republic! Moluugo, December, 1865.

JOAQUIN MARTINEZ.

A certified copy:

A. TORRES, *Secretary*.

No. 3.

[Translation.]

Treaty of the 9th of December, 1865.

In the town of Nonvaleo, on the 9th of December, 1865, assembled Don Juan Ortiz Monasterio, military commander of Zacualtipan, and Don Jesus Ruiz, chief of the garrison, commissioned by the general-in-chief of the first territorial division, Don Vicente Rosas; and Don José Felix Lubian, and Don Jesus Martinez, commissioned by Colonel Joaquin Martinez, chief of the forces and militia of Sierra and Huasteca, according to an agreement made in the conference of the 30th of the previous month, to settle the terms of a treaty to put an end to the war in these districts, who have agreed upon the following articles, to wit:

ARTICLE 1. The inhabitants of the towns of Sierra and Huasteca, acknowledging the authority of C. Colonel Joaquin Martinez, lay down their arms and submit to the government established in Mexico.

ART. 2. In consequence of the preceding article, Colonel Joaquin Martinez and all his subordinates, as well as the civil authorities, shall have passports to return to the bosom of their families; and they shall not be molested on account of political opinions, nor for acts they have been obliged to commit in defending the cause they had embraced.

ART. 3. The people shall retain their arms, ammunition, and other implements of war, in order to enable them to organize a civil guard, in conformity to a relative decree.

ART. 4. The authorities of Sierra and Huasteca shall be chosen from among those who profess principles of independence, liberty, and reform, so there may be no conflict with the political sentiments of the inhabitants, no exercise of revenge, persecution, nor other excesses so common after struggles like that which has just taken place.

This present agreement shall be signed by the commissioners of both parties, and be ratified by Señors Rosas, Landa, and Martinez, to be observed and consequent peace established.

JOSE FELIX LUBIAN.

JESUS MARTINEZ.

JUAN ORTIZ MONASTERIO.

JESUS RUIZ.

Using the power vested in me, I ratify and approve this treaty.

VICENTE ROSAS,
Commanding General of the First Territorial Division.

Colonel-in-chief of the forces of Sierra and Huasteca, with due power, I ratify and approve this treaty.

JOAQUIN MARTINEZ.

I certify to this copy:

A. TORRES.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, March 2, 1866.

MR. SECRETARY: I have the honor of transmitting to you, for the information of the government of the United States, a copy, for that purpose, of a letter I received to-day from Colonel Don Gregorio Mendez, governor and military commander of the State of Tabasco, in the Mexican republic, dated in the city

of San Juan Bautista, the 2d of February last, in which he acknowledges the receipt of the decrees issued by the government of Mexico on the 8th of November last, prolonging the functions of the constitutional President of the republic; states they were very well received in his State, and notifies me they will be solemnly published the next day. I also enclose to you, for the same purpose, the copy of a letter of the same date from the same Colonel Mendez to the constitutional President of Mexico, containing a similar manifestation.

I accept with pleasure this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.—Extract.]

SAN JUAN BAUTISTA,
Tabasco, February 2, 1866.

MY MOST DISTINGUISHED FRIEND: I profit by the opportunity that presents to-day to answer three letters I have had the pleasure of receiving from you. * * *

I received, the third yesterday, containing an extract from an official paper of the publication of the supreme decrees prolonging the presidential term, and the trial of General Ortega. * * *

The decrees, which I have already seen, were very well received in this State, and I will order them to be solemnly published to-morrow. * * *

Have the goodness to remember my request to be kept informed of everything of interest to our cause and to the President, to whom I enclose you a letter.

Your true friend,

G. MENDEZ.

The Minister Don MATIAS ROMERO, *Washington.*

No. 2.

[Translation.—Extract.]

SAN JUAN BAUTISTA, *February 2, 1866.*

MOST DISTINGUISHED AND RESPECTED SIR: I have before me your two very acceptable favors of the 27th of October and 9th of November last. * * *

Your determination in regard to General Diaz, who is now fighting in Oaxaca, shall be duly respected by me and my subalterns. That general is truly worthy of his former position by his effectiveness, his valor, his honesty, and his energy, particularly as his disappearance depended upon causes over which he had no control.

I shall take great pleasure in having the decrees sent me by Mr. Romero published to-morrow; they have my entire approval and that of the State. No person more worthy, or with greater hopes of the nation, could have been trusted with the supreme command than yourself, and at a time when a change might have caused a want of confidence, to say the least. The trial of Mr. Ortega is an act that gives power to the government from its principle of morality, as it impresses upon our society and its great men the necessity of attending to their duties, and teaches them the great impropriety of derelictions, which they often commit, thinking to be shielded by the elevation of their positions.

I am pleased to inform you that this State and Chiapas are quiet, and have maintained their independence. The people are struggling bravely in Oaxaca, and it is very probable that the republican banner will wave from the walls of the capital in a short time. Figueroa, at the head of five hundred infantry and one hundred cavalry, joined a section of Chiapas troops on the 6th of January, advanced to Juchitan, where he collected a total of 1,300 men, and attacked Tehuantepec on the 17th. He carried the enemy's intrenchments, but had to fall back from two well-armed forts, where the traitors had concentrated, that opened upon him. His loss was very slight. By express order from General Diaz he then marched to Sierra. * * *

I conclude with an affectionate greeting, wishing you peace and prosperity, and subscribing myself your obedient servant, &c., &c.,

G. MENDEZ.

The President of the Republic Don BENITO JUAREZ, *Chihuahua.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 3, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the copy of a report addressed to me from New York, the 28th of February last, by a Mexican citizen, Jesus Maria Guerra, commissioner from headquarters of the central army near the federal government of Mexico, relating to the present condition of affairs in the States composing the central military line in the Mexican republic.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c, &c, &c.

[Translation.]

ARMY OF THE CENTRE OF THE REPUBLIC OF MEXICO—COMMISSARY GENERAL.

Charged with a commission from headquarters near the citizen President of the republic, I am transiently in this city, and before continuing my journey I believe it my duty to give you a report of the situation of the main army and of the States that form its line. To do this I must briefly refer to some of the principal events of 1865.

The condition of the army of the centre and Michoacan was lamentable at the beginning of the year. All of the State was occupied by the invaders, except the town of Huetamo, and the whole army consisted of one thousand men, under General Riva Palacio, when he was inaugurated governor, and one hundred that served as an escort to the citizen General-in-chief José Maria Arteaga. After Huetamo was taken there was nothing left to us but a small territory, with not a town in it; we had no resources, and the unhealthy climate was destroying our little force. Such was the situation.

When the French evacuated that town, General Riva Palacio went to Zitacuaro, surprising the garrison, and destroying the traitors he found there. He took two hundred prisoners, a quantity of arms, and everything the enemy had.

With unceasing energy the reorganization of the army began. On the 11th of April the town of Tacambaro, held by Belgians, was attacked. The enemy surrendered after fighting six hours, and the republicans gained a complete victory.

We next attacked the town of Uruapam on the 15th of June, and captured it after a fight of twenty-four hours. It was strongly fortified. On account of this the invaders and traitors were obliged to evacuate Ario and Taretan, and legal governments were soon established in those places.

The army returned to Tacambaro on the 16th of July, and was completely routed by a strong column of Belgians and traitors. All was lost except eighty men, who retired in good order.

The confidence of those who are fighting in a just cause, the patriotism of the people, and the efforts of General Riva Palacio, soon caused the army to be reorganized, and it was reviewed in Uruapam on the 4th of October, consisting of over three thousand men completely armed and equipped.

The army was then divided, in order to operate in different sections, and on the 13th of the same month the disastrous event of Santa Anta Amatlan occurred. A portion of the army was completely lost, and eight days afterwards the illustrious General-in-chief José Maria Arteaga, General Carlos Salazar, and Colonels Villagomez, Diaz Gonzales, and Perez Milicua, were assassinated in accordance with the barbarous decree of the 3d of October.

The enemy then returned to Patzcuaro and Morelia, because they could hold no more places than they already had.

After the death of General Arteaga, General Riva Palacio was elected general-in-chief by the officers of the army. By the month of December it numbered near five thousand men.

Citizen General Regules was named chief of the first division, and with it he traversed the State from Tacambaro to Uruapam and Zitacuaro. In that transit he routed the traitors at Anganguco, and a few days afterwards threatened the towns of Zolucua and Timaltepec.

Such was the condition of the army of the centre and Michoacan in December last when I left Zitacuaro, and by it you may judge of the advantages gained in one year of constant struggle.

In February, 1865, the State government could not hold a single town—they were all occupied—and now they have an extensive line, the enemy being reduced to Morelia, Patzcuaro, Moravatio, and Zamora.

At that time the army consisted of little more than one thousand men; now it has over five thousand, well organized, in Michoacan and in the first district of the State of Mexico.

We have not done so well in the States of Jalisco, Guanajuato, and Queretaro; the governor of the second was in prison, and the governor of Queretaro was assassinated by the French. These events have caused some confusion, of course, yet new efforts are making in those States to sustain the national cause. Honored leaders have been authorized to organize forces, and they must be already active in the south of Jalisco and Guanajuato, where they will rapidly increase, as General Canto has been set at liberty by exchange of prisoners between General Riva Palacio and Marshal Bazaine, and will revive the patriotism in that section.

This slight sketch will convince you that when the central army has given liberty to all the towns in Michoacan, the army will enlarge, the enthusiasm of its men will increase, and they are already disposed to make any sacrifice for national honor.

It is vain for the imperial press to say that State, and others of the line, are at peace: it is useless to pretend they are satisfied with intervention; and it is wrong to say only lawless bands are left—it is all untrue. The fact is, battle still follows battle, and the invaders and traitors are only masters of the towns they hold in subjection by force of arms. The people have struggled gloriously in defence of liberty, and the courage of the brave sons of Zitacuaro, who preferred misery to subjection to imperial power, is proof to the world that they hate intervention, and are worthy of independence.

The forces that are now contending are not predatory hands, for those never attack and capture fortified places, but belong to the army of the centre, regularly organized, and acknowledged as belligerents by Marshal Bazaine in his exchange treaty with General Riva Palacio on the 5th of December.

It is superfluous for me to make any remarks on the facts given in this report, all of which are exact and true. I am sure you will give them the consideration they deserve; and you may be certain that the army of the centre, and the people within its lines, will continue faithful and constant in this unfortunate crisis of their country.

These advantages, gained by the courage and patriotism of the Mexican people, are counteracted, to a certain extent, by the absolute want of means in the central line. The marine custom-houses are in the power of the invader, and the people are tired of supporting the national army, so exhausting to their resources. The soldier seldom receives his pay, and only the most fervent patriotism can keep the army together. The want of provisions causes a consequent want of all the elements of war. We have no means of transport, no commissary department; there is a scarcity of ammunition; even guns are scarce, of different calibres, and many are old ones that have been repaired and almost useless.

On the contrary, our enemies have all the elements of war that the French treasury can furnish them, and if the present situation continues much longer we may have to lament greater disasters in future.

I have the honor, citizen minister, to offer you the assurances of my attentive consideration.
JESUS MA. GUERRA.

Citizen MINISTER PLENIPOTENTIARY
of the Republic of Mexico in Washington.

NEW YORK, February 25, 1866.

Mr. Romero to Mr. Seward.

[Translation.]

WASHINGTON, March 9, 1866.

MY DEAR SIR: I have the honor to remit to you copy, so far as touches the matter, of a letter which I have received to-day from Paris, dated 19th of February last past, in which important advices are given to me respecting the policy which the French government proposes to follow in the affairs of Mexico. The person who writes the letter is worthy in all respects of confidence, and the sources from which his knowledge is derived are also authentic.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.—Extract.]

PARIS, February 19, 1866.

ESTEEMED FRIEND: Still in bed and without strength, I nevertheless take up the pen to communicate to you some information I have derived from a person connected with a high functionary of the empire. He assures me that at the last two conferences of the council of ministers it was resolved to try a middle course on the Mexican question, which gives those ministers disquiet who have been for the simple withdrawal of the army. It seems that this middle course consists in forming in Mexico a Franco-Mexican party, which is to hoist as a new standard the departure of Maximilian, and the re-establishment of the republic with Bazaine as president *ad interim*. Thus it is thought to tie the hands and stop the mouths of the United States. Absurd as this project may appear, there is no room to doubt fully of its existence. The news comes borne out by various antecedents—the invincible repugnance which Napoleon feels to withdraw his forces, without concealing that he was mistaken, that Bazaine is working for himself in Mexico, and the project being the theme of all the French employés and functionaries, who for some time have been informing Napoleon that the French army is looked on favorably by the Mexicans, and that what they dislike is the monarchy and the incompetency of Maximilian. So I have read for some time in the private letters from the Abbé ——. I am assured that this was the idea that Barrés tried to inculcate in the interviews which he had with Napoleon: and of myself many times questions have been asked in this sense. By the last packet a chief of staff and an employe of the finance department have gone out, and perhaps they go to modify, in accordance with this idea, the instructions of Saillard, for the packet was even delayed to wait for them. * * *

It is stated that the minister of that republic here is condescending to this government even to weakness. He is flattered and praised incessantly with real recklessness. * * *

Your friend,

Señor M. ROMERO, Washington.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 9, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents contained in the annexed index, received by the last steamer from Vera Cruz, showing the state of affairs in the military eastern line of the Mexican republic.

I accept the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican Legation in Washington to the Department of State of the United States, with the note of the 9th of March, concerning events on the military eastern line of the Mexican republic.

No. 1. February 14, 1866.—General Garcia to Mr. Romero: Remission of several packages for the federal government of Mexico.

No. 2. February 14, 1866.—General Garcia to President Juarez: Report of the state of affairs on the eastern line.

No. 3. February 9, 1866.—General Garcia to General Mejia: Official despatch of General Alatorre, relating to the loss of the coast north of Vera Cruz, and the condition of the south coast, for want of means.

No. 4. February 14, 1866.—General Garcia to General Mejia: Official despatch of Colonel Don Luis Figueroa, concerning the battle of Tehuantepec, on the 7th of January, 1866.

No. 5. January 20, 1866.—General Diaz: Report of his last movements in the State of Oaxaca.

No. 1.

[Translation.—Extract.]

TLACOTALPAM, February 14, 1866.

SIR: I have received your two estimable letters of the 3d and 20th of January last, and will now answer them. * * *

You will also see what I say to Mr. Juarez and the department of government in regard to the presidential question. I am sure all the people of that line will vote for him to continue in the presidency of the republic till a new election can take place, and as the acts have not yet been printed, I transmit to you a copy, in case you should need it in your diplomatic relations with that government; and should you want the printed proceedings before I receive them, you can make use of my official despatch to the department, as it is an exact expression of the truth and a certain announcement of the result this affair is going to have.

I have no time for more, but referring you to my official communications, I remain your affectionate friend,

ALEJANDRO GARCIA.

Minister Don MATIAS ROMERO, *Washington*.

No. 2.

[Translation.—Extract.]

TLACOTALPAM, February 14, 1866.

YOUR EXCELLENCY: I had the honor of receiving your estimable favor yesterday, dated in Chihuahua on the 1st of December last, which I now have the pleasure to answer. * * *

With your usual good judgment you advise me to attack Orizava, Cordova, Jalapa, and Vera Cruz, while General Diaz is operating in the State of Oaxaca. That has been my intention for some time, but I could not accomplish it, because, as I told you several times since last May, there are no arms here, and we do not know where to get them; consequently my forces cannot be increased by a single man, for I would not have a gun to give him. I have been able to procure small quantities of powder and lead at exorbitant prices, but I cannot get arms, for none are manufactured in this section, and the enemy prevents their import by sea from other countries by means of their navy. Neither you nor Mr. Romero have been able to send me any, though I have repeatedly asked for them since I was appointed general-in-chief of the eastern line in May last.

For these and other reasons, I repeat that I wish to give up the command of this line to General Diaz, if I could communicate with him, for I had rather continue to fight for national independence with less responsibility and fewer serious inconveniences.

You will see from my despatches to the war department, that General Alatorre has at last given up the northern coast of this State, for want of means to carry on his heroic defence of that portion of the country; and that General Figueroa was defeated on the 7th instant at Tehuantepec, after attempting a coalition with General Diaz near Oaxaca, which could not be effected.

I had anticipated General Alatorre's misfortune, and even told you of it, for he had not enough arms and ammunition to resist, and I had none to send him. I sent him \$2,000, at a considerable sacrifice, to purchase a few necessary articles, but as the sum was small, and arms could not be procured, he suffered an inevitable disaster. I have just now learned officially that the Austrians, violating the capitulation of Papantla, have sent General Alatorre a prisoner to Mexico, and did not grant him passports to go where he pleased, as they did the other chiefs and officers. Colonel Figueroa's forces, all we have on the road between here and Oaxaca, were in a very bad condition after the defeat at Tehuantepec, and I have continued to aid them up to this time with ammunition and money, as far as my means would allow, and I am going to send them clothes, for they were nearly naked when they returned from Tehuantepec.

There is nothing particular in the State of Tabasco. The governor of Chiapas is sending armed forces and ammunition to aid Juchitan.

It is again reported that a hostile expedition is to invade this part of the State from Vera Cruz. It may be true this time, as it is announced that the column under Count Thun, who concluded the treaty with Alatorre, and has now nothing to do, will turn its attention to the southern coast.

I learn through the papers that you are at Paso del Norte.

I wish you well, and desire that you continue your estimable correspondence with your friend and servant,

ALEJANDRO GARCIA.

President Don BENITO JUAREZ, *Paso del Norte*.

No. 3.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE, NO. 3.

CITIZEN MINISTER: With a letter I addressed to the constitutional president of the republic, through the citizen minister of the republic in Washington, I sent No. 25 of the official bulletin of headquarters of the eastern line, containing an extract from the long despatch on the defeat at Tlapacoyan, by General Ignacio R. Alatorre, chief of the northern forces in the State of Vera Cruz, on the 30th of November last.

I presume the supreme government heard of that disaster by the despatch. The mishap was caused by the want of arms and ammunition; and from what I wrote at that time the President will learn of a still greater disaster in that quarter, the principal cause of which was a want of those same elements of war.

My prophecy was unfortunately fulfilled. General Alatorre sent me the following report from Papantla, dated the 8th of January last:

"I will give you an account of the latest military events that have taken place on this line, and their final results. As some of the chiefs and officers who fought under me may happen in your part of the country, they can give you a verbal account of the particulars of the events to which I now refer in a very general manner.

"After the defence of Tlapacoyan, (a report of which I sent you with the account of General Mendez's victory in Espinal,) I left ninety men in Ixcacoaco, five leagues from Tlapacoyan, under General Andrade. The rest of the Zamora battalion that had taken part in the defence mentioned marched to Mizantla, and joined the main body.

"I permitted the national guards of Pital, Jicaltepec, and Nautla, with the exception of eighty men, the garrison of Ixcacoaco, to disband and go home temporarily, to provide themselves with clothing, which they absolutely needed. After the events of Tlapacoyan I called together the chiefs to deliberate upon the best steps to take in case the enemy continued their incursions on the line. We decided the best thing to be done was to concentrate all the forces at one point, and gather all the resources we could, to make the best defence possible under the circumstances. The place chosen unanimously for concentration was this town.

"The heroic defence of Tlapacoyan by my forces a short time previous awed the enemy, and kept them at bay. They did not dare to attack me till they were prepared for a regular campaign against this town of Papantla and the places I held. The advanced force of Ixcacoaco was beaten on the 17th of December last by 400 men from Tlapacoyan. Notwithstanding the numerical inequality, they prepared for the combat, resolving at least to make such a resistance as to cause some damage to the enemy; but a column of the latter, taking a circuitous road that had been stopped up by an abatis, as was supposed, came out in the rear of the small republican force, which had to disperse to save themselves from useless destruction. The picket of the Llave battalion, in the centre of the village of Ixcacoaco, was surprised by the enemy and scattered, losing the safe of the second column and all the money it contained, 3,000 gun-cartridges, and a few arms. Besides this, they lost one officer killed, several soldiers wounded, and twelve prisoners. Although the enemy's force that came up in our rear spent four hours in opening the road we had stopped by felling trees, we had no notice of their coming from the pickets we had sent to watch them. I mention this to show the selfishness and indifference that prevails in those towns, and which has caused me much harm.

"Almost at the same time with these events at Ixcacoaco, news came to me from Zacapoastla that great preparations were making for a descent on Papantla. Now was the time for the concentration of the troops to save them from being cut up in detail. In the mean time, to stop the advance of the Austrians that threatened to come out from Ixcacoaco, I gathered the men I had disbanded in that section, ordered out the national guards of Pital, Jicaltepec, and Nautla, had them armed, and assembled them in Maria de la Torre, a place I had already ordered to be fortified.

"When about to give orders for the third column of the division to leave Mizantla, it occurred to me that it would be wrong to leave that place, whose inhabitants had given me so much assistance, to the ravages of the mutinous Indians, from which it had previously suffered. The place must be protected from the savages; and this was hard, because the garrison must be withdrawn. After much reflection and consultation with my officers, I determined to leave Mizantla to the care of the Austrian forces, who would certainly protect it from the Indians. Now, the time occupied in this arrangement would give me leisure to move to Papantla, which I could not do if the enemy resolved to oppose me vigorously. I addressed Major Schonowsky, the commander of the imperial forces in the Sierra, and told him why I was obliged to put Mizantla under his protection. An eight-days' armistice was agreed upon, during which time I had all of my forces and supplies moved to Papantla, only leaving a few troops to hold the pass to Maria de la Torre. Mizantla was, therefore, occupied by a column of Austrians on the 26th of December, the same day the troops I had left to guard it came out. On the 27th I went to Papantla. The rest of the troops I had left to guard the road came in on the 31st. As soon as the armistice expired, which was on the 25th at six in the evening, the enemy moved towards us.

"All of our troops, including the first column under General Méndez, who had remained in the neighborhood since his victory at Espinal, amounted to 477 men, with three pieces of artillery and very little ammunition. I detailed all my plans of operation to Colonel Honorato Domingues, of the fourth column, and gave him instructions to act according to emergency. From my first arrival at the place, I feared my campaign would soon be at an end.

"This apathy of the inhabitants had often before given me much uneasiness. The political chief of the line announced to me at once that it would be impossible to obtain supplies for the support of my forces; and he told me frankly that what was given to me the first day was all I could get, and it was with much difficulty that was obtained. Huasteca had submitted to the empire a few days before my arrival; Martínez had given up everything. Had I anticipated that I would not have returned to the place.

"I assembled General Muñoz, the political chief of the line, General Ortega, (governor of Puebla, who had taken refuge here because his State was entirely invaded,) and Generals Andrade and Méndez, to consider what was to be done in this critical situation. We resolved that an armistice should be obtained at all hazard, to give us time to reorganize. To effect this a commissioner was sent to Mr. Esteva, informing him that it would be acceptable if the licentiate Galicia could come and make honorable arrangements to prevent the effusion of blood in this town. Information of this step was given to the Austrian commander, requesting him to suspend operations on the place. The object we had in view was to give up Papantla to the enemy, for it could be of no use to us, and then have time to move to some other more desirable locality, where we could carry on the war to a better advantage.

"When our commissioner delivered the note to Mr. Schonowsky in Texuítlan, he consented to the armistice, but insisted that his troops should hold the river, and advanced his columns accordingly to different points. I had sent General Méndez with my first division on a foraging expedition in the district of Texuítlan, but he had to fall back to avoid a collision with the enemy, which would break the armistice we so much needed.

"The enemy were not satisfied with occupying a few points on the opposite side of the river. On the 1st they crossed over to this side, and we could not prevent them, for our force was not large enough to defend all the fords.

"On the 10th they established themselves in San Pablo, four leagues northeast of this place, and at the hacienda del Rincon, six leagues southeast. They numbered 1,500 men, with eleven pieces of rifled mountain artillery and plenty of ammunition.

"On the same day General Méndez's column was re-enforced by one hundred men under Colonel Lorenzo Fernandez, of the Zamora battalion, and stationed itself at Agua Dulce to watch the enemy at Rincon hacienda.

"On the 11th the enemy advanced upon Agua Dulce. Our troops waited for them, and the battle began at eight o'clock in the morning. The hundred men of the Zamora battalion, with some slight assistance, under the command of their gallant colonel, formed a line of battle in the open field, and met the imperialists with such determination that they fled in great disorder, followed by our men for a league. They left two pieces of artillery and fourteen boxes of ammunition on the field, and most of their men and mules fled to the woods. The Zamora Actives then returned to their former position and formed a line of battle. The ground was level. They had hardly formed when eighty or one hundred Austrians suddenly attacked them with great fury. After a few rounds our soldiers charged bayonets, but could not resist the impetuosity of the hussars. The enemy had turned their left wing, and despite the gallant efforts of the brave Lieutenant Colonel Fernandez and his worthy officers, one of whom was killed in battle, the victory escaped us.

"Unfortunately General Méndez's column, composed of the national guards imperfectly organized, could give no assistance to Fernandez's men, and the enemy recovered what they had lost in the beginning of the fight, with the exception of one piece of artillery and the prisoners that had been sent to this town. A part of the national guard, under Colonel Miguel Perea, stationed at Tzolutla, was also surprised and routed the same day by the enemy's column from San Pablo.

"After those unfortunate events, that cost us three officers killed and four wounded, thirty-six soldiers killed, nine wounded; one colonel and eleven soldiers prisoners, and the dispersion of all of our forces that had taken part in the combat, our situation was much worse, as might be expected.

"Soon after the battle of Agua Dulce, the commissioner we had sent to the Austrian commander to protest against the advance of his troops during a negotiation, returned, bringing a letter agreeing to an armistice till Mr. Galicia and General Thun should arrive with forces to garrison San Pablo and Agua Dulce. He told the commissioner he was sorry the battle had occurred; he had ordered his troops to take possession of Agua Dulce, but he thought it was not occupied. In the letter he proposed a conference between General Muñoz and himself at Rincon, to arrange the positions of the two armies till Messrs. Thun and Galicia should arrive. The consultation took place, and it was agreed that the enemy should occupy Rincon and San Pablo, but Agua Dulce should be neutral ground. This took place on the night of the 11th and we returned the next day.

"On the 13th Mr. Muñoz received a letter from Don Ignacio Toledano in Rincon, stating that he was Galicia's commissioner, and had come to attend to the business. Haste was urged in this letter, as the Austrians were anxious to break the armistice. This was true;

the commander in San Pablo had opposed the armistice, and was determined to advance, having already made a demonstration to that effect against positive orders.

"An Austrian captain, who came on the 13th to arrange an exchange of prisoners, and small-arms for the piece of artillery we had taken, showed by his manner and vague answers that they did not intend to observe the armistice, and I thought we had better retire. Mr. Toledano was written for. He could not come; so, on the morning of the 14th, we had to go back to the enemy's camp, whence we returned with Major Schonowsky, commander of the Austrian forces, and two of his officers, to this place to conclude the agreement.

"After some discussion, where we were the weak against the strong, the terms which I enclose you were agreed upon. They were literally complied with; the greater part of the troops have left, and I with the officers will soon quit. The Austrians came in on the 16th, leaving a garrison, and then going to Texuítlan or Zaccapostla on the 18th. As is stated in the caption of the terms of treaty, only military affairs are treated of. Everything in relation to the canton of Papantla was settled on other bases formed two months ago by the imperial commissioners. I presume Mr. Muñoz, who had charge of the arrangement, will give you the particulars.

"Thus, general, has the campaign of the northern line ended. I regret it; but I and my companions in arms have fought confidently, and have suffered all sorts of hardships and privations, until circumstances rendered it impossible to continue the struggle longer. My trouble is great; but I could not change the decrees of fate, that have brought me to this extremity after nine months of terrible contest. My trouble is great; but my conscience and that of my subalterns are calm, because we know our duty has been accomplished, and our honor has come out of the trial untarnished."

I regret being obliged to send you this, with a copy of the capitulation mentioned, for the information of the supreme magistrate of the republic.

I tried in vain to furnish General Alatorre with arms and ammunition to defend the northern coast of this State. I wrote to the President several times since last May, to send me arms, as none could be had in this part of the country, except at a very high price, and not many of any kind remained. As the enemy have possession of all the seaports, they have very carefully excluded all articles contraband of war.

General Alatorre also did all he could to keep up the defence of that line; and although I sent him an order for \$2,000 which he collected in Tecatepec, it was of little use, for he needed arms and ammunition which could not be obtained; so that, with all his bravery and patriotism, he could not longer resist the large number of Austrians that came down upon him, amply provided with every necessary of war.

That important part of our territory, then, must remain in the power of the enemy, not for the want of inclination of the good Mexicans to defend it, but for want of the means of resistance.

Thus the enemy, victorious at Papantla, with nothing to attract their attention elsewhere, may realize their original design to invade the rest of the State of Vera Cruz, where the purest republican sentiments and the most tried patriotism have prevailed. If that should be the case, it is my duty to repeat it here, so that you may inform the President, we have no means in the line and cannot procure any, though I have applied to the governor of the State, to the President of the republic, and to our minister in Washington, to whom I sent a special commissioner for that purpose, who has not yet returned.

My situation for these reasons is very precarious, and it is my duty to inform the supreme government of it; but I do not wish to insinuate that we are in despair, or intend to shrink from the performance of our duties. You may be sure, Mr. Minister, we will all do our duty, but I must repeat, we can do nothing without arms. This I said to the President in my despatch of the 30th of November last: "Let the enemy come upon us in all their strength; I will die like a good Mexican in defence of my beloved country, and that is all they can ask of me; but if this portion of the republic is lost for want of resources, I am not responsible for it."

With such intentions, I protest to you the assurances of my respect.

Independence and liberty! Tlacotalpam, February 9, 1866.

ALEJANDRO GARCIA.

The Citizen MINISTER OF WAR AND MARINE,

Paso del Norte, (or wherever he may be.)

No. 4.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

On the 27th of January last, citizen Colonel Luis P. Figueroa wrote me from Seyaltepec, as follows:

"As a result of my expedition against the enemy in this State, I send you a report of my assault, capture, and abandonment of Tehuantepec. At 8 o'clock on the night of the 5th

I surprised the enemy, cutting off the rear guard at Mistequilla, and countermarching to Comitancillo.

"At two o'clock on the morning of the 7th I set out for Tehuantepec, where I arrived at half past 7. I immediately arranged the attack with my two columns, under Ramirez, Zaragoza, Sarmiento, the Zaragoza battalion under Colonel Cosme Damian, Gomez, and Commander Cristoforo Canseco. The signal of attack being given, fire was opened upon the enemy, and they were soon driven by our valiant forces from their strongholds of San Blas Hill, the convent of Santo Domingo, and their intrenchments. Victory was smiling upon us, with the prospect of possessing a fortified town, defended by 1,500 men and two pieces of rifled cannon, when the auxiliaries from Juchitan, who were ordered to hold the San Blas Hill, rushed into the town to participate in the general fight, where they were desperately cut to pieces and were compelled to retreat.

"I did my best to keep the forces together and retain possession of the place; but all my efforts were vain, and I saw my defeat would be complete if I did not withdraw my forces; so I fell back with considerable loss of dead and wounded, lamenting the death of the intrepid squadron commander, Pedro Sanchez. I am generally opposed to the recommendation of those who do their duty merely; but on this occasion I must commend every man I have, from the soldier to the highest officer, and I am compelled to specify the battalion commanders citizens Jesus Ramirez, Ramon Sarmiento, and Felipe Zaragoza, and squadron commander Lorenzo Guzman, in my recommendation, to your particular attention.

"In short, every man did his duty; and I beg you, in your report of this feat of arms to the superior authorities, that you recommend all my subordinates."

I communicate this for your information, calling your attention to the recommendation of Colonel Figueroa to some of his chiefs.

Independence and liberty! Tlacotalpam, February 14, 1866.

ALEJANDRO GARCIA.

The Citizen MINISTER OF WAR,

Paso del Norte, (or wherever he may be.)

No. 5.

[Translation.—Extract.]

YOSONDUA, STATE OF OAXACA,

January 28, 1866.

VERY DEAR FRIEND : *

On the 6th of this month, for the purpose of drawing out the Austrian garrison from Silacayoapam, I threatened Tlaxiaco, succeeded in my plan, and took possession of the former place. I intended by this same movement to attract an Austro-traitor column, which was marching to attack Figueroa.

On making my appearance before Tlaxiaco, its garrison, superior in number to my forces, under Ramirez de Acevedo, came out to meet me. My cavalry (the same that Ramos had at Oaxaca in 1860) drove them back three times. We could not follow them on account of the deadly fire from the tower and high buildings in the vicinity. I remained two days within gunshot of Tlaxiaco, and the enemy did not venture out to attack me a fourth time.

Having heard that their re-enforcements were approaching, I withdrew four or five leagues, and marched through several towns of the district, hoping the enemy would come out to give me battle; but I was mistaken—the aid came and began to fortify, while I had possession of all the towns except Tlaxiaco. Silacayoapam is still in our power, held by one of my commanders, who also holds Huajuapam and the neighboring places.

I have several plans on hand that I cannot mention to you till they are carried out, either with success or failure. They are grand schemes, but I must have money to carry them out: I dare not attack them in my present condition.

The district of Iuquila is quiet with the garrison I have there.

I hope you will assist one who is working with all his might for the cause of independence, and has a sincere friendship for you.

PORFIRIO DIAZ.

Citizen MATIAS ROMERO,

Minister of the Republic at Washington.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, March 10, 1866.

MR. SECRETARY: I have the honor of transmitting to you, for the information of the government of the United States, the copy of a note of General

Alejandro Garcia, second in command of the eastern line, to the minister of foreign affairs and government of the Mexican republic, containing the circular to the governors and military commanders of the States composing that line, showing his favorable opinion of the legality and expediency of the two decrees issued by the President on the 8th of November last, one prolonging the presidential term till a new popular election can take place, and the other ordering the trial of General Gonzales Ortega, for reason mentioned in the decree.

In this circular General Garcia not only expresses his own opinion, but that of the governors and commanders on the eastern line, comprising the States of Vera Cruz, Puebla, Tlaxcala, Oaxaca, Tabasco, and Chiapas, and requested them to take the vote of their people on the subject of the decrees before mentioned.

The general says he has already received many acts of the majority of the people adhering unanimously to the President and completely approving his decrees, and he has no doubt but the same sentiment prevails among the rest of the people who have not called meetings and passed resolutions. He adds that the documents are very voluminous, and he will send them to the department as soon as they are published.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE, NO. 2.

CITIZEN MINISTER: On the 1st instant I addressed the following circular to the governors and military commanders of the States on the eastern line:

[Circular.]

A grave question has arisen in the country, and has even extended beyond it.

Citizen Benito Juarez, as constitutional President of the republic, on the 8th of November last, prolonged his powers as such, as you will see from the decree printed in No. 29 of the official bulletin of these headquarters, of the present date, which I send to you.

It is assured that General Jesus Gonzales Ortega protested against that decree in the United States, as president of the supreme court of justice, which title is denied to him by citizen Juarez, for reasons you will see in the decree of the same date published in the official bulletin.

The exceptional condition in which the nation has been placed by this foreign war has prevented, and still prevents, the exercise of the chief act of sovereignty, namely, the voting of the free Mexican citizens for the choice of a supreme constitutional magistrate to direct its destinies; and although these headquarters have formed their opinion in the case in favor of the existing order, because it admits the rights of citizen Benito Juarez to hold his position by former election, which has always been the regulating rule for authorities in our general legislation, yet we desire to know the general opinion of the eastern line in a matter of so much importance, and direct you to find out the sentiments of all the Mexicans in your district upon the subject in the most convenient manner, and let us know if they agree in opinion with these headquarters, for my information and consequent action.

I have the honor to transmit you this for the information of the supreme government, expressing the opinion that, judging from the unanimous vote of a great portion of the people that have sent their acts to these headquarters, and by the knowledge I have of the line under my command, I can assure you the people's will is that citizen Benito Juarez, now President, shall retain the supreme magistracy of the republic till the present war permits a constitutional election of a proper person to succeed him in office.

The letters already received on that subject are too voluminous to be sent with this despatch. For that reason, and because I expect many others which I intend to have printed, I do not send them now, as I desire; but I will send them by the first opportunity, after they are printed, for the information of the supreme government. I will also send them to the citizen minister plenipotentiary of the republic in Washington for his most convenient disposition.

Independence and liberty! Tlacotalpam, February 14, 1866.

ALEJANDRO GARCIA.

The MINISTER OF FOREIGN RELATIONS AND GOVERNMENT,
Paso del Norte, (or wherever he may be.)

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 13, 1866.

MR. SECRETARY: I have the honor to transmit to you the English translation of a speech delivered in the French senate by General Forey, on the debate of the reply to the Emperor's discourse, on the 10th of February last, in relation to Mexican affairs, and also M. Rouher, the minister of state's, subsequent reply.

You will likewise find a printed letter, published in London by the Mexican General Don Francisco Paz, ex-prisoner of the French army, in reply to calumnies uttered by General Forey in his speech against the Mexican army, and particularly against the chiefs and officers who were sent to France as prisoners of war.

General Forey's remarks upon the necessity of continuing French intervention in Mexico have a meaning obvious to everybody, as they are mere echoes of the opinions and sentiments of his Emperor. This opinion is strengthened when we see that the object of the project of an answer presented in both houses was to put off indefinitely the withdrawal of the French forces from Mexico.

After this, not much confidence can be put in M. Rouher's words, which in themselves cannot be taken as a promise of a speedy withdrawal.

As to General Paz's letter, it clearly demonstrates by itself that the senator's assertions against the Mexican officers are as groundless as many other statements made in his speech, in which he repeats the same arguments which have been very often refuted, and the calumnies proved to be unfounded.

I accept this favored opportunity to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

Marshal Forey's speech in the French Senate.

[From the Paris Constitutionnel, February 12.—Translation.]

MESSIEURS: Last year you permitted me to say a couple of words concerning Mexico. I will not trespass longer on your time this year. I will, perhaps, say a few words more than then. You know the interest which this Mexican question has for me, who commanded the expeditionary corps charged with the duty of obtaining reparation for the outrages of which our compatriots had been the victims. Let it not be thought that the government which we overturned maintained itself in Mexico by popular sympathy. No. It maintained itself only by the fear which it inspired; and it was for this reason that the presence of our flag was sufficient to overthrow it; that flag which, in the beautiful language of the Emperor, everywhere represents the cause of the people and of civilization. Once delivered from the rule of Juarez, the Mexican people, free to exercise the elective franchise, decided for Maximilian. I have no pretension of here discussing the letter written by Mr. Seward to M. de Montholon on the 6th of December, 1865; but let me say that the popular suffrage was by no means exercised under stress of force or under the pressure of our arms. No. A thousand times, No! It was the people themselves who, fatigued with a sanguinary anarchy, proclaimed that the empire was more in harmony with their wishes and their needs. One must have a very slight knowledge of Mexico to believe that a republican form of government was desired by the population there. For a long time power had been successively confiscated by the more audacious, if not by the more honest. It cannot be repeated too often: No, the French army did not go to Mexico to overturn a government to which the Mexican people had accorded, as is pretended by the letter I have mentioned, their sympathy and submission. No. We went to Mexico to obtain reparation for spoliation, for outrages of which our fellow-countrymen had been the victims on the part of the Juarez government; and the Mexican nation seized that occasion to throw off an oppressive yoke by

overturning the presidential chair wherein so many tyrants had sat, and erecting a monarchical throne, where there came to sit a wise and enlightened prince, who has already given Mexico useful and liberal institutions, which will lead to the efficient prosperity of the country. I come to the question of the return of our troops. At what time ought they to come back? Many whom I believe sincere, but who do not seem to me to be sufficiently sensitive as to our national honor, would wish that return immediate. As to myself, I would wish our troops to come back, if not immediately, at least as soon as possible; but still it must be looked to when this will be possible. I foresee the objection that will be made. You pretend, it will be said, that the emperor Maximilian has been spontaneously, unanimously proclaimed, and consequently he has no further need of the support of our arms to keep him on his throne. My answer will be easy; and although at first it may appear paradoxical, it will at bottom prove perfectly right. Yes. The government of Maximilian is the expression of the popular wish. I affirm it; and those who know Mexico, who have visited it, will affirm it with me, if they are sincere. Yet that government has need of our support, and I will explain myself. All those who have taken any interest in the subject know that since the declaration of independence an innumerable number of governments have succeeded each other in Mexico, and as there was no sufficiently strong central power, all of them found their authority disregarded. Anarchy has never ceased to reign in that unhappy country. There is nothing astonishing in the fact that that anarchy led to the formation of troops of bandits who lived in this disorder, instead of seeking in labor the means of subsistence, and preferred to rob travellers, pillage plantations, and oppress and exact tribute from peaceful, timid communities, who knew not how to defend themselves. It must be said that fear is the grand misfortune of Mexico. It is this which has rendered its people incapable of defending themselves and of resisting their oppressors. I have seen in Mexico villages, towns, and cities, whose inhabitants, although provided with arms and ammunition, and able to make a resistance, suffered themselves to be robbed and their houses to be burned by bands of guerillas, and yet it was a matter which concerned their fortunes and the lives of themselves, their wives, and their children. It is thus that hundreds of communities, a thousand times more powerful than their assailants, permit themselves to be disarmed, plundered, and murdered without resistance. Are they more to pity than to blame? I will not say. Yet it should not be forgotten that the tendency of anarchy is to cause honest men to yield too easily. We do not need to go so far to find examples of this weakness in our own history. [Applause.] We must allow these people time to regenerate their moral character by contact with our soldiers, so that they may acquire a sense of order, honesty, and the courage which animates them, and which all are bound to respect. [Hear, hear.] When the Emperor undertook the Mexican expedition he was impelled by a grand idea, which he explained in his memorable letter to the officer in command at its outset. When I see the impatience with which the sojourn of our troops in Mexico is regarded in France, I ask myself whether this grand idea of the Emperor's has been well understood by the country, and whether the people should not have encouraged it as they encouraged a former undertaking led by the Emperor himself—the Italian campaign. The object is the same. In the one case a great nation was to be restored to the independence wrested from it by foreign hands. In the present case it is sought to restore to another people their independence, endangered as it was by anarchy. I ask permission to dwell upon this word independence. It has been said that the insurgents are fighting for the independence of their country. But by whom has this independence been compromised if not by the partisans of Juarez, who has been led to despoil foreigners and to plunder the public money, which should have been applied to the necessities of the Mexican nation, in order to enrich his hired assassins? The army of Juarez, fighting for the independence of Mexico, forsooth! Those who talk thus do not think it, or else they are utterly ignorant of the true state of affairs. What was this army of Juarez? With the exception of a few officers who had been specially educated, who had progressed through the various grades—such, for instance, as General Mendoza, the real defender of Puebla, whom the emperor Maximilian had the good sense to appoint prefect of Mexico—with these rare exceptions, I say, all of Juarez's generals, far from possessing any military talent, were briefless barristers, many of them devoid of all sense of honor, such as Gonzales Ortega, or ex-leaders of bands, such as Rosas, Curvajal, and Porfirio Díaz. With regard to subaltern officers, you may judge of them by the specimens which have been sent to France. It suffices to see them in the different towns where they are quartered in order to estimate their worth. They are, almost without exception, miserable wretches, decidedly inferior to their soldiers. These soldiers, as you know, are not Mexicans by any means. The Mexicans are all generals or colonels. They are poor enslaved Indians who shouted for the emperor Maximilian from the moment that they were freed. You are aware how they were enlisted. They were torn violently from their families and dragged off with a rope about their necks. This is what they called a national army. These poor fellows became soldiers because they couldn't help themselves, and at the first opportunity to desert took advantage of it. At Puebla they would have deserted *en masse* had they not been incessantly watched by their officers, who forced them to fight by shutting them up in churches and convents without leaving them any outlet. It was the same at Oajaca. Let no one, therefore, say that the army of Juarez was a national army. The truth is, there is no national spirit in Mexico. Either it never existed or anarchy has destroyed it if it ever did exist, and it cannot be revived save under

the shelter of our flag. In my opinion it would be highly dangerous to recall our troops immediately. The Emperor has declared that we went to Mexico in order to protect French interests and to defend our fellow-countrymen. Therefore, if our army is recalled from Mexico, all the Frenchmen in the country will be obliged to return with it. Otherwise they will become victims to much greater outrage than they have already experienced. And as we have the interests of our fellow-countrymen to defend, there are others whom we should protect also. Is it not our duty to protect the people who received us with open arms, who compromised themselves for us, and who shouted *vivas* for Maximilian? Is our honor not at stake in this? It may be objected that they shouted for Maximilian, and therefore they ought to take the consequences. But we must reflect that they have not yet sufficient confidence in their own strength; that they have been demoralized by officials who ground them down and made capital of them. They must be allowed time to gain strength and courage. We must continue to lend them our support and aid them to sustain the power they have chosen. France cannot wish to incur the reproach of having misunderstood the grand idea of the Emperor. France cannot wish to abandon these unfortunate people to the fury of their former oppressors. At the first news of our withdrawal the fomenters of discord will rise again. The bandits who are now dispersed will rally under the flag of Juarez, and the Mexicans themselves will feel the vengeance of these barbarous hordes who have already given evidence of their atrocity. This is so true that even now, as soon as a town is evacuated by our troops, it is abandoned by the inhabitants, so greatly do they dread the cruel reprisals of the partisans of Juarez. What do we see in Mexico? The emperor Maximilian is zealously laboring to regenerate that unfortunate country. He is reorganizing the army and the departments of justice, finance, and public education; in fact, all the vital forces of society. He is advised by men in whom our Emperor has confidence, and the Mexicans have before their eyes a model of courage and discipline in our army. It does not befit me to treat of the relations existing between France and the United States, but let me be permitted to state that I have too much esteem for the great American republic to believe that it would prefer a republic of plunderers and bandits in Mexico, instead of a monarchy of honest men based upon the principles of civilization. [Applause from a portion of the house.] What is necessary now to be done to complete the task of improving the moral and material character of the people which we have undertaken in Mexico? The senate will be surprised, but I have to state my opinion, which, moreover, is an entirely individual one. It may become necessary to send fresh troops to Mexico. [Sensation.] At least those which are there must be kept there. And it may also become necessary to make further pecuniary sacrifices. [Further sensation.] It has been said that France is rich enough to pay for her glory. Will it not then be glorious for us not to leave incomplete the task we have undertaken in that distant country? Money is, certainly, of importance. But should we allow a money consideration to jeopard the success of this undertaking, based, as it is, upon a grand idea of the Emperor? No, messieurs, it should not be allowed; and this is why France has applauded the words uttered by the sovereign, and why she will participate in the sentiments which your address so proudly interprets. [Cries of "Very good," "Hear, hear."]

M. ROUHER, secretary of state, said:

Messieurs: The senate understands that I do not mean to reply to the honorable marshal's speech. He has taken care to indicate that the opinion he expressed is a personal one. The opinion of the government is not modified by the words you have just listened to, and it is completely formulated in the discourse of the Throne and in the project of reply (*projet d'adresse*) which you are now called to vote. [Very good.]

No. 2.

[Translation.]

Marshal Forey and the officers of the Mexican army.

3 GOLDEN SQUARE, LONDON, February 24, 1866.

To the Editor of the *Morning Advertiser*:

SIR: I feel assured that you will do me the favor of publishing the following in your widely circulated paper.

You will thereby greatly oblige, sir, yours, &c.,

FRANCISCO PAZ,
Mexican General of Artillery, ex-Prisoner of the French Army.

In the sitting of the French senate of the 10th instant Marshal Forey delivered a speech full of insults and calumnies against the generals and officers of the Mexican army, to which I have the honor to belong.

I would have contradicted him at once had I not been in France, where there is no liberty of the press, and where the respective positions of the marshal and myself were so different. I therefore come to this free country for the sole purpose of defending that army which has fought, and is still fighting, with so much courage and patriotism for the independence of its country, and which is not yet vanquished, after a four years' struggle and the innumerable conflicts that have taken place.

Can the bravery and discipline of the republican Mexican army be put in question when the French press itself and the bulletins of the French generals assert that their enemies never give way until they have left half of their number on the ground?

As the marshal neither points out any facts nor produces any proofs, but merely insults us most gratuitously, (which is rather unworthy of the high position he occupies,) I will not follow him in his course, but simply confine myself to declare to him that his malevolent attacks cannot reach those he supposes to be conquered, and dares to call vile and cowards.

That army which he holds so low has taught him what use it made of victory when it had the advantage over the French and their auxiliaries. Instead of shooting and incarcerating their prisoners, they gave them their liberty without any conditions, and even assisted them in spite of their own privations. Instead of dragging the wounded before courts-martial, thence to be shot, they took care of them in their hospitals in preference to their own men; and, instead of insulting the vanquished, they returned them their decorations, and tried by every means in their power to alleviate their position.

The marshal further insinuates that the conduct of the prisoners transported to France has been very bad. He certainly has not taken the trouble to read the reports of the generals and commanders of the gendarmery in all the towns where we have been confined, which reports exist at the War Office. The justice done to us in those documents singularly contrasts with the calumnies he proffers. A great number of those prisoners have shown how they understand patriotism and military honor in acting in a manner of which history has but rare examples. Threatened by the French government to be deprived of all resources if they did not take the oath of allegiance to the government imposed on our country by the brute force of arms, they preferred the chance of starving rather than submit to that act of dishonor. They started from the different places of residence assigned to them within the twenty-four hours allowed, quitted the French soil, where such a heavy despotism prevails, and went to Spain in search of the means of earning their bread. Many worked as common laborers at the fortifications of San Sebastian.

History will relate with impartiality the respective conduct of the French and Mexican armies. It will record the heroic defence of Puebla, an open town, fortified in a hurry, and only compelled to succumb after sixty-three days of a regular siege, conducted with forces four times superior to the besieged—its garrison having exhausted all their food and ammunition, destroyed their arms, and asked for no conditions. Was it a triumph for the French arms? Will it not be asked if the military and political capacities of General Forey shown in Mexico did not rather tend to bring him before a court-martial than to receive the staff of a marshal of France?

The senate has shown its subservieney in echoing last year the absurd and ridiculous rumors which the marshal originated against the honorable General Porfirio Diaz, as likewise allowing him to utter the insults he has addressed to the whole Mexican nation.

FRANCISCO PAZ,

General of Artillery, ex-Prisoner of the French Army.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, March 13, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 18th ultimo, with its four enclosures, which have reference to the permission granted by President Juarez to the officers of the United States army commanding in Texas and New Mexico to pass their forces through Mexican territory in pursuit of hostile Indians.

You will oblige me by making known to your government the appreciation which is entertained by the United States for this friendly manifestation on the part of the very worthy executive of the Mexican republic.

You will be pleased to accept, sir, the assurances of my very distinguished consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, March 14, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 31st of January last, requesting information respecting the reported capture of the town of Bagdad, on the Rio Bravo.

In reply, I have to state that no official information upon the subject has been received at this department.

I avail myself of this occasion to renew to you, sir, the assurances of my distinguished consideration.

WILLIAM H. SEWARD.

SEÑOR MATIAS ROMERO, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, March 14, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, copies of two letters received to-day from General Porfirio Diaz, commanding the eastern military division of the Mexican republic, dated at Atoyaquillo, State of Oaxaca, the 2d of February last—one of which is addressed to the President of the republic, and the other to me—reporting his late movements against the enemy, and the precarious condition in which he finds himself for want of means.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.—Extract.]

ATOYAQUILLO, STATE OF OAXACA,

February 2, 1866.

VERY DEAR FRIEND: I received your estimable favor of the 18th of December to-day, and with it the communications to which you allude; the others you mention have not reached me yet.

I enclose you an open letter to the President; it and the one I wrote to Mr. Godoy, of which you must have a copy, contain the chronicle of my movements up to this time; you can refer to them.

I am sorry that you have to speak to me in such a positive way in regard to means; it deprives me of hope for the future. You say the loan "has not realized our hopes;" so I must say my hopes are gone, too. As I am in want of money, also, I can do nothing. You may be sure a very small sum now would be worth more than millions hereafter: for my men are discouraged for want of pay, and those who come to me I am obliged to send away, because I cannot arm them and support them.

Tehuantepec was attacked by Figueroa and the Juchitecs, and I attacked Thlaxiaco on the 6th of January: these are the only two battles this year. There was a rising in Miahuatlan on the 24th, and the rout of traitors at Silacayoapam on the 28th. Now a serious expedition is coming against me, and it is to be seen how I am to meet it. The annexed letter will give you an idea of my situation, and show you the scanty means I have to resist the Austrians and traitors that are coming down upon me.

I remain your affectionate and sincere friend,

PORFIRIO DIAZ.

The Citizen MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
 of the Mexican Republic in Washington.*

No. 2.

[Translation.]

ATOYAQUILLO, STATE OF OAXACA,
February 2, 1866.

MUCH ESTEEMED AND RESPECTED SIR : Yours of the 10th of November last only reached me to-day, and with it the copy of your order restoring me to my former command. It is authenticated by our minister in Washington, and I will make known its contents to the officers commanding in different parts of the line.

You may imagine how much I need resources, and the great good I could do if I had them : but, if your situation in that particular is as bad as mine, I ask no help, only I must let you know that I need it, and will do what I can with my ragged men and their old muskets.

I send a report of my operations, from my liberation to the first of the year, to Mr. Godoy, and as he may have transmitted a copy to you, I will only relate what occurred in January.

An attack on Tehuantepec aroused Juchitan from its apathy, if it did no other good ; and after what has happened, it will not soon submit to the empire again. My agents in Miahuatlan and Ejutla aroused themselves on the 24th of January, and sent me the Austrian traitor officials of the former place as prisoners.

I had an encounter on the 6th with the enemy, in the suburbs of Tlaxiáco, and obtained a few arms and horses. They lost four killed, eight wounded, four prisoners and many missing. I threatened Nocchistlan, too. My object was to bring the greater part of the forces from Oaxaca to Mixteca. In this I succeeded. I then marched to Miahuatlan, leaving a small force here, under Leiva, to prevent the enemy from going to Oaxaca from Mixteca.

On the 28th of January a party of traitors attacked Silacayoapam, and was repulsed by our national guards, leaving their leader dead upon the field. Some arms were obtained by this victory.

I might now take advantage of the people's exasperation, but I have no means to arm and support them, and that injures my influence and disheartens the people. You must not believe that the forces I have are well armed ; many of them only have lances, for that is the weapon most easily and cheaply made.

I have seen the decree prolonging the presidential term, and bringing General Gonzales Ortega to trial. The news was well received here ; only Ruiz and our enemies, who hoped for a domestic disturbance, murmured, when they thus saw their expectations disappointed. Our friends in Oaxaca were more enthusiastic in regard to this matter than when they expressed their adhesion for us on another occasion.

Continue to write to me.

Ever at your command, with sincere esteem,

PORFIRIO DIAZ.

Citizen President Licentiate BENITO JUAREZ.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES,
Washington, March 16, 1866

MR. SECRETARY : I have the honor to transmit to you, for the information of the government of the United States, the copy of a letter I received to-day from General Garcia, second in command of the eastern line of the Mexican republic, dated in Tlacotalpam, the 26th of February last, with an enclosed printed copy of some manifests passed by the towns within the limits of the said line, approving the prolongation of the term of the President of the republic. I enclose you the printed copy of said manifests, and the copy of a letter from General Garcia to the President of Mexico, of the same date and on the same subject.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

TLACOTALPAM, *February 26, 1866.*

MUCH ESTEEMED FRIEND: I have received your very welcome duplicate letter of the 12th of December last, containing one from President Juarez and documents, to be published here in relation to our affairs.

Our situation is about the same as it was when I wrote you last; we still suffer for want of arms and war materials. I enclose you the printed manifests of my towns, approving of Señor Juarez's continuance in power as President.

Your devoted friend,

ALEJANDRO GARCIA.

Señor Don MATIAS ROMERO, *Washington.*

No. 2.

[Translation.]

TLACOTALPAM, *February 26, 1866.*

VERY DEAR SIR AND MUCH RESPECTED FRIEND: I yesterday received through Mr. Romero your welcome letter of the 10th of November last, relative to your decree prolonging the period of your functions as president of the republic, and appointment of General Diaz as general-in-chief in command of the eastern line, and my appointment as second in command.

I informed you, in my letter of the 14th instant, that on the 1st, before I received your official decree, and other documents prolonging your term, I had sent out a circular to all the authorities within the lines to ascertain the will of the people.

I have received assurances from every quarter acknowledging your right to continue in the presidency of the republic till another constitutional election can be held.

I am now receiving the manifestoes, and am publishing them in the official bulletin, of which I send you copies. I also send some to Mr. Romero, for any good use he may make of them in the United States, and I will continue to do so by every opportunity. When complete, I will despatch them to the department of government for due consideration.

I repeat what I said to you in my last; that is, though I cannot send you the acts now, you may rest assured that all the eastern line will vote in the same way.

Nothing new has occurred since my letter of the 14th.

I think General Diaz is in Tlajiacó, though I am not sure of it, for, in spite of all my efforts, I have not been able to communicate with him.

In the hope that you will continue to favor me with your welcome letters, I remain your friend and servant,

ALEJANDRO GARCIA.

Señor Don BENITO JUAREZ,
President of the Mexican Republic.

No. 3.

[Translation.]

Manifestoes of towns mentioned, declaring their will on the question of the presidency of the republic.

[Circular.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE

A serious question has arisen in the country and spread abroad.

On the 8th of November last, as you will see in the official bulletin No. 29, of these headquarters, which I send you, citizen Benito Juarez prolonged his office as constitutional President of the republic.

We are informed from other sources that citizen General Jesus Gonzales Ortega, while in the United States, protested against the decree, as president of the supreme court of justice, which citizen Juarez denied him, for reasons you will see in another decree of the 2th of November, also printed in the bulletin.

The peculiar circumstances of the nation, caused by the present foreign war, have prevented, and continued to prevent, the exercise of its principal act of sovereignty, the election of a chief magistrate, by the free votes of Mexican citizens, according to the constitution; and although we have formed an opinion on the subject in favor of the decree, believing that citizen Benito Juárez has by law and usage the right to continue as President of the republic, yet we wish to have the general opinion in the eastern line on a subject of so much importance. We therefore instruct you to take the votes of all Mexicans within your jurisdiction, in the manner you may think most proper, and report to me if it accords with our opinion or not, for my information and subsequent action.

Independence and liberty! Tlacotalpam, February 1, 1866.

ALEJANDRO GARCIA.

The Citizen GOVERNOR AND MILITARY COMMANDER of the State of ———.

Tlacotalpam, February 3, 1866.

A true copy :

J. A. RUIZ, Secretary.

No. 4.

[Translation.]

Manifesto of the city of Tlacotalpam.

I, Marcos Maria Castellanos, national notary public and secretary of the honorable council of this city, certify and attest that between pages 115 and 117 of the council register is recorded an act the tenor of which is as follows :

"In the city of Tlacotalpam, on the 11th of February, 1866, the heroic council convened in public extraordinary session, with presence of the justices of the peace, and citizen Miguel Archavaleta, president of the council, who called the meeting to order and stated its object, namely, to publish a communication received from the military commander of the canton, containing a note of the 1st instant from the citizen general-in-chief of the eastern line, relative to the great question of prolonging the presidential term, by a decree issued at El Paso del Norte on the 8th of November last, sent to this district in order to get the opinion of its citizens on that subject, which he now submits to the consideration of the council."

Having read the communication and decrees referred to, the following resolutions were unanimously adopted :

First. By virtue of the full powers vested in the executive of the republic by the national congress, on the 11th of December, 1861, and subsequently confirmed by the same sovereign congress, citizen Benito Juárez, President of the republic, has by right prolonged his functions in accordance with the constitution, till the condition of the present war will permit the election of another President according to the fundamental code

Second. The representatives of this city, the justices of the peace, and other subscribing citizens, acknowledge citizen Benito Juárez as President of the republic and the legitimate representative of national sovereignty, and consequently grant him a just and deserved vote of thanks for the abnegation he has once more shown in saving the country from internal contentions.

With this the act ended, and was signed on the same day, month, and year.

Miguel Archavaleta, alderman and president of the council.

No. 5.

[Translation.]

Manifesto of Acayucan.

MILITARY COMMANDANT OF ACAYUCAN AND MINATITLAN.

On the 6th of February, 1866, all the military and civil officials of the canton assembled in the military hall of the town of Acayucan, with many private individuals, and the circular and accompanying documents of the 1st instant, published in No. 29 of the bulletin having been read, a few speeches were made praising citizen Juárez for his abnegation

valor and constancy, and the vote being taken, the vote to sustain the opinion at headquarters was unanimous to support citizen Benito Juarez, who has so bravely sustained the cause of independence and the dignity of Mexico. Therefore, believing that the opinion of the whole southern coast is the same as that of this assembly, we say freely and explicitly it is our desire that citizen licentiate Benito Juarez remain in charge of the presidency of the Mexican republic as long as the circumstances of the war demand it. And this act is closed with the signatures of the attendants.

No. 6.

[Translation.]

Manifesto of Minatitlan.

In the town of Minatitlan, on the 7th of February, 1866, the chiefs, officers, and troops of the Goatzacoalcos assembled in the barracks, and the chief of the cantons having read the circular of the 6th of February, published by the citizen general of the eastern line, the assembly unanimously declared as follows :

We recognize the decree of the 8th of November, 1865, issued by citizen Benito Juarez, as President of the Mexican republic, and whom we acknowledge as such till the nation can elect a substitute, and promise to defend the national honor and dignity of which he is the worthy representative. With this the present act closes, being signed by one person for each class in the garrison.

In the town of Minatitlan, on the 7th of February, 1866, the council and citizens undersigned assembled under the presidency of Juan N. Sevilla, justice of the peace and accidental military commander, who having read the circular of the 1st of February, issued by the general-in-chief of the Oriental line, the assembly passed the following resolution :

We acknowledge the validity of the decree of the 8th of November, 1865, issued by citizen Benito Juarez, as President of the Mexican republic, in which capacity we continue to recognize him. Thus closes this present act, signed by the attendants at this meeting.

No. 7.

[Translation.]

On the 7th of February, 1866, in the town of San Juan Bautista de Oluta, the undersigned authorities and citizens assembled in the military commandancy by invitation of the citizen commandant, who read the circular asking the opinion of the municipality on the presidential question, whether the citizen licentiate Benito Juarez shall continue in the supreme command of the republic till the circumstances of the war allow a new election. The contents of the said circular having been considered, the meeting passed the following resolutions with unanimity :

ARTICLE 1. We, the undersigned, authorities and citizens of this town, recognize the citizen licentiate Benito Juarez as the supreme chief of the nation as long as the present war lasts and prevents a new election.

ARTICLE 2. The present act shall be made out in duplicate, one copy to be sent to the citizen military commander of the canton, and the other recorded in the archives of this commandancy for future reference.

Thus the act was completed by the signatures of the attendants at this meeting.

By the military commander :

LUIS GALLEG0, *Secretary.*

OLUTA, February 7, 1866.

No. 8.

[Translation.]

On the 8th of February, 1866, in the town of Oteapa, the military commander, the city authorities, justice of the peace, and citizens generally, assembled in the town hall to consider a circular issued from headquarters, and requesting the vote of the people on the presidential question. The following resolution was unanimously adopted : That it is the wish

of this people to keep citizen Juarez in the presidency as long as the war continues, and that he be elected for another term after its close.

The present manifesto closes with the signatures of those in attendance at the meeting. The military commander, José Francisco Perez ; Juan Morales, secretary.

No. 9.

[Translation.]

The citizen military commander and other officials of this place, together with the principal inhabitants, met in San Francisco Jaltipam, canton of Minatitlan, in the free and sovereign State of Vera Cruz, to consider the decree of the 8th of November, issued by the President of the republic, and the circular of the citizen colonel-in-chief of these cantons, promulgated on the 7th instant, for the purpose of determining the will of the people under his jurisdiction, in reference to the presidential question. The attendants at this meeting, under the presidency of the local authority, unanimously declare *that they desire the citizen licentiate Benito Juarez to continue as President of the Mexican republic as long as necessary ; and they are also in favor of prolonging the powers of the person who is president of the supreme court of justice.* And they make this present manifesto, which they sign with me, to be sent to the citizen colonel-in-chief of the cantons for the information of the supreme authority.

E. Vela, Manuel Camino.

JALTIPAM, February 8, 1866.

No. 10.

[Translation.]

In the town of San Juan Evangelista, of the canton of Acayncan, in the free and sovereign State of Vera Cruz Llave, on the 8th of February, 1866, by invitation of citizen Francisco Garcia, justice of the peace, and temporary military commander of this municipality, the honorable council and other authorities, together with the most respectable citizens undersigned, assembled, and the circular of the citizen military commander of the canton relating to the decree of the 8th of November last having been read, it was asked if we were willing that citizen licentiate Benito Juarez should remain in office as President, till the circumstances of the war should allow a new election. And all having expressed their spontaneous will, unanimously, that citizen Juarez should continue to rule the nation as President, the present manifesto was drawn up and signed by all persons present, and the meeting adjourned ; the document being signed in presence of my adjutant, who certifies it.

Before me :

C. GUILLEN, *Adjutant.*

No. 11.

[Translation.]

In the town of San Pedro Zoteapam, on the 7th of February, 1866, the patriotic municipality, justice of the peace, officials and private individuals signing this manifesto, met at the residence of the military commander ; and that officer presiding, the canton commander's circular was read, requesting the vote of the people on the presidential question. All present agreed upon the following, without the least dissent :

The people of San Pedro Zoteapam, with their officers, declare that they acknowledge citizen licentiate Benito Juarez as legitimate President, and will sustain him in the liberal institutions that now govern the country.

Act concluded and signed by every one present at the meeting.

No. 12.

[Translation.]

In the town of Santiago Mecayapam, on the 8th of February, 1866, the patriotic municipality, justice of the peace, officers and private individuals who sign this act, assembled in the town hall, elected the military commander to preside over the meeting, and read

the circular in regard to the presidency. The following resolution was thereupon unanimously adopted :

The people of Santiago Mecayapam, and their authorities, declare that they recognize the well-deserving citizen licentiate Benito Juarez as the legitimate President of the Mexican republic, and will support him in the liberal institutions with which he now rules the country. And so this act ends with the signatures of all present.

No. 13.

[Translation.]

In the town of San Andres Sayultepec, canton of Acayucan, on the 9th of February, 1866, the military commander, the municipality, local judge, and notable citizens assembled together for the purpose of considering the presidential question. The supreme decree of the 8th November last, printed in the official bulletin of the 1st instant, declaring citizen licentiate Benito Juarez is still President of the Mexican republic, having been read, together with the circular of the chief military commander requesting the votes of this section, we unanimously declared that we assent to the decree, and promise to sustain it, at the sacrifice of life and fortune, if necessary, till the circumstances of the present war permit another election.

Thereupon this manifest was made out and signed as evidence of the fact to be preserved.

No. 14.

[Translation.]

In the town of San Miguel de Tesispec, on the 8th of February, 1866, the military commander, justice of the peace, the council and chief citizens of the place assembled in the town hall, and the circular note of the military commander of the cantons of Acayucan and Minatitlan, of the 6th instant, having been read, requesting the adoption of the decree of the 8th of November last in regard to the presidency, we unanimously declare that we desire citizen Benito Juarez to continue President of the republic, under the auspices of the constitution of 1857, as he has bravely defended the rights of the nation, till the circumstances of the war may allow a new election ; and thus the present act closes.

No. 15.

[Translation.]

In the town of Cosolecaque, on the 8th of February, 1866, the local commander, patriotic counsel, justice of the peace, and many citizens, assembled in the town hall to consider the presidential question, by order of a circular from headquarters of the eastern line, resolve as follows :

That it is our unanimous wish for citizen licentiate Benito Juarez to continue in office as President of this republic till the circumstances of the war allow a new election ; moreover, that he continue in office for another term, so as to regulate the affairs of the nation completely. They desire duplicates of this act, one for the book of record, and one to be sent immediately to the citizen commander of the cantons for his information.

No. 16.

[Translation.]

In the town of Izhuatlan, on the 9th of February, 1866, the honorable council and other citizens assembled in the town hall, according to the circular of the 7th instant, and the meeting being presided over by me, the military commander and justice of the peace, I read to them articles 78, 79, 80, and 82 of the federal constitution, which puts an end to the presidency of citizen licentiate Benito Juarez ; and having informed them of the desire from headquarters to know if they voted for C. Benito Juarez to continue in supreme command, they all answered unanimously, that, trusting to his honesty and firmness in defence of the national cause, C. Benito Juarez seemed worthy and deserving of the high place he now fills, and wish him to continue in it ; and we promise to aid him as we have always done, and wish him success in the glorious cause upon which our well-being depends, and we therefore sign the present.

No. 17.

[Translation.]

In the town of San Isidro de Zaragoza, on the 10th of February, 1866, all the authorities and citizens of this place assembled in the town hall, and the circular of the 6th instant from the military commander of these cantons, wishing to know if the people here desired that citizen licenciado Benito Juarez continue in the presidency, having been read, all present pronounced him President again by acclamation, shouting: Viva el C. Licenciado Benito Juarez, Presidente de la republica Mexicana! Viva el Presidente leal de nuestra republica! y con ella sus muy fieles servidores. And thus the act concluded and was signed by all present.

Commandant Francisco Carlos, in the name of the citizens and for myself, Pablo Perez, secretary; for the citizens of the illustrious municipality, justice of the peace, and citizens who cannot sign their names, and for myself, Nicholas Martin, secretary.

No. 18.

[Translation.]

In the town of Soconusco, on the 10th of February, 1866, the municipality, justice of the peace, military commander, and citizens of the place having assembled in the town hall, the circular from headquarters on the presidential question having been read by the military commander of the canton presiding, a few speeches from citizens eulogized citizen Juarez for his civic virtues, and his firmness and constancy in upholding the dignity and independence of Mexico; and all present voted that citizen Benito Juarez continue in command of the nation as President of the republic till the circumstances of the war allow a new election. And thus the present act closed, with the signatures of all present.

No. 19.

[Translation.]

In the town of Hidalgotitlan, on the 11th of February, 1866, before me, the military commander, appeared the honorable council, justice of the peace, and other citizens, and having read the decree issued by our worthy and well-deserving President, citizen Benito Juarez, at El Paso del Norte, on the 8th of November last, prolonging the presidential period till the circumstances of the war allow a new election, all answered unanimously that they wish the President to continue in power, as he has decreed by ample faculties vested in him; and the present act closed, being signed for me and the honorable council by my secretary, Manuel Candiani; C. Garcia Cruz, Julian Cruz, for citizens.

No. 20.

[Translation.]

In the town of Minzapan, on the 11th of February, 1866, the local commander, justice of the peace, and other civil authorities and citizens of the place, having assembled in the town hall, the circular from the headquarters of the eastern line was read, desiring to know if the people are willing that citizen Benito Juarez should continue as President of the republic. All voted unanimously that the well deserving citizen Benito Juarez continue in office as President as long as the present war lasts, or till a new election can take place. And so this act concluded, with directions to have a copy sent to headquarters.

Juan G. Hernandez, military commander; Geronimo Martin, justice of the peace.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 18, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, some extracts from a pamphlet entitled

"The Foreign Question," which was published on the 31st of December last, in the town of Paso del Norte, the present seat of the national government of Mexico.

It contains a short and correct account of political occurrences in the Mexican republic during the months of October, November, and December, 1865.

I am pleased with this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

THE FOREIGN QUESTION.

[Translation.]

New changes brought about by the removal of the national government to Chihuahua, and its subsequent return to this city, have disturbed the regular order of our reviews, and compel us to condense the events of the last three months, ending this day, into one single article.

We will begin with a notice of the imprisonments by the empire in August last, on account of a suspected conspiracy in the capital, garrisoned by a considerable French force. The persons arrested were liberals residing in the city, who were soon released without an explanation of the arbitrary acts committed against them. If there had been the slightest proof of conspiracy, the captives would have been executed immediately, as clemency is not one of the virtues of the present ruler of Mexico. Supposing it only a scare, we cannot conceive why the invaders were so frightened, or why persons were arrested, unless it were a causeless act of tyranny so common to our present civilizers. It seems the order was issued by Marshal Bazaine, without the assent of Maximilian, who was on a visit to the mines of Pachuca at the time—for he always leaves the capital for a short time whenever he has a disagreement with the French general; and the visit like to have cost him very dearly, for he was near being caught by a guerilla band, and had to retreat to the city in the greatest haste. Now, as we are on the subject of despotism, we will give the case of Manuel Lozano, of Aguas Calientes, who was assassinated upon the report of a bandit, who swore he was in league with the republicans. There was no evidence to condemn the unfortunate man, but he was murdered in cold blood by the officers of the intervention. This horrid crime remained unrevenged, though it was denounced by the newspapers of the imperial capital, and chastisement of the guilty was demanded.

Besides a speech, Maximilian celebrated the anniversary of national independence by a decree, declaring the grandsons of Iturbide, children of his son Angel and a North American woman, princes of the empire. It was also said he intended to make them his successors, but he did not do it. We can't imagine why he skipped the living children of the unfortunate hero of Iguala, and passed to the grandchildren, when the former had the greatest right to titles. This fact is very insignificant in itself. The usurper may make as many princes, dukes, counts, and marquises as he pleases, as all these high-sounding titles will only serve for ridicule, as he will never be able to establish a real aristocracy for his imperial farce.

General Porfirio Diaz managed to escape from his prison, in Puebla, on the 22d of September. The event gave great alarm to the imperialists, as they knew the harm he could do them if he could raise another army for the republican cause. We will see how he served his country as soon as he was at liberty. He went immediately into the State of Guerrero, put himself at the head of a republican force, and attacked a band of traitors, which was completely routed, with considerable loss. After this, he consulted with General Alvarez about a new campaign in Guerrero and Oaxaca, which was subsequently carried out. Events will soon realize the hopes entertained of the patriotism of General Diaz.

A proclamation and a decree were issued in October, in the capital of the Mexican empire, destined to occupy a prominent place in the history of the intervention struggle. The proclamation of the usurper says that the cause defended with so much valor and constancy by Benito Juarez has lost all political character, because the ex-President of the republic has quit the national territory, and his robber bands must be treated with the greatest severity.

This assertion was preceded by a note from General Brincourt, stating it as a fact that President Juarez had actually left the Mexican territory, and without waiting to investigate the case, Maximilian proclaimed it as true, and made it the foundation of his tyrannical decrees. Logically speaking, when the falsehood of Brincourt's assertion was ascertained, the cause for the decree was removed, and it fell to the ground. But logic is sacrificed in this case, and Maximilian is held up to ridicule.

So much importance was given to the supposed desertion of the republic by President Juarez, that the imperial organs gave it over as the end of the contest. As soon as Brin-

court's occupation of Chihuahua was known in the capital, Marshal Bazaine hastened to telegraph the news to Vera Cruz, where a vessel was prepared to convey it without delay to Napoleon, as if it were a decided fact. They did not consider that it was only the abandonment of a single city, whose possession by the French would be of very little importance; but, in accordance with their system of exaggeration, a second-rate affair was made a first-rate success, and to give it greater interest, they told of the capture of some pieces of artillery, not taken in battle, but left for want of transportation, after having been spiked. In the same strain they called the orderly retreat of the republican government a hasty flight, and concluded by saying the President had left the country, and thus the troubles were over.

This is a case of very great importance, and the mistake was serious, even allowing the allegations to have been true. However injurious the exit of the supreme magistrate to the national cause, it could not be ruinous; were he even to die, though the nation would miss him much, the national cause would not be irretrievably injured, because it was formed to outlive the most eminent men who die in its defence. The argument, therefore, employed by the usurper in his celebrated proclamation, taken in the most favorable sense, amounts to an absurdity.

If its reasoning can thus be so easily refuted, the decree is still subject to greater blame for its infraction of every principle of humanity; and the interventionists have reached the highest grade of eternal infamy in adopting its principles. As early as the 20th of June, 1863, General Forey created the execrable French courts-martial, whose records are now saturated with the nation's blood. After Maximilian's return from his journey into the country, he issued a circular ordering all captured guerrilleros to be hanged, and not satisfied with the many sanguinary executions already consummated, he perfected his infernal work by issuing the decree of the 3d of October, and in this his ministers have become his accomplices, for their signatures are appended to the document, ordering the most horrid crime against humanity, a crime that Draco himself would not have dared to sanction. Its articles are marked with the seal of genuine ferocity; every one belonging to an armed force of any number, kind, order, or organization, character or denomination, shall be condemned to death by a court-martial, and executed within twenty-four hours, without appeal or recourse of any kind; and every one who shall aid or abet the republicans in any manner whatever, give them notice or warning, furnish them with any munitions of war, have any intercourse with them, or conceal them, or propagate false or alarming rumors or reports, shall be subject to the penalties of imprisonment, banishment, or fine, according to the gravity of the offence. All owners or managers of plantations are required to notify the imperial authorities of the enemies' movements, under the penalty of a heavy fine in case of neglect to do so. This order is extended to town authorities; and all male citizens between eighteen and fifty-five who do not take up arms in defence of the empire are subject to similar penalties. All the other dispositions of the said decree are of the same tenor, thus placing the whole community in a state of siege, declaring all criminals who are not zealous partisans of the new order of things.

To show the determination to enforce this decree with the greatest possible rigor, I will cite a recent occurrence of the greatest importance. On the 13th of October a division, commanded by José Maria Arteaga, was defeated at Santa Aua Amatlan, and he was taken prisoner, with General Carlos Salazar and several other chiefs and officers. Don Ramon Mendez, the imperial conqueror, who was made brigadier general for that feat, did not dare to enforce the precepts of the sanguinary law upon his distinguished prisoners, and sent to Mexico to know what was to be done with them. He was answered by the usurper's minister of war, as well as by Marshal Bazaine, that the decree should be strictly enforced. So Generals Arteaga and Salazar, Colonels Diaz Paracho and Villa Gomez, Padre Mina, and we know not how many more, were shot in Uruapam according to supreme orders. We presume these atrocious assassinations have been continued, as we have recently heard of the petition of the ladies of Pazcuaro to spare the lives of one hundred and fifty prisoners. Everything has conspired to render this barbarous act most conspicuous in its hideous deformity. Mendez's prisoners belonged to no guerilla band; they were not obscure individuals; they had been guilty of no misdemeanors, and were blameless in their conduct; but they belonged to the regular army, organized in due form; they occupied high positions in military rank; one was commanding general of the division; all were known as gentlemen; their officers had been lenient with French, Austrian, and Belgian prisoners; and even the Express newspaper, on hearing of Arteaga's capture, pronounced a merited eulogy on his conduct. But all that did not save them from the gallows; they were led out and shot like malefactors.

Acts of this kind—an eternal stigma of infamy upon their authors—far from doing honor to their cause, will ruin it and cover it with disgrace. These extreme measures prove the desperation of their cause, and it certainly cannot succeed by these means. The wanton shedding of blood, even in wars, in all ages and in every part of the world, has only served for the destruction of the sanguinary cause. The execution of those meritorious patriots in Uruapam will serve as a stimulus to the nation to arouse itself against its butchers and avenge the memory of its worthy children.

Soon after the promulgation of the decree to which we have alluded, there was a misun

derstanding among the ministers who had signed it. Fernando Ramirez was transferred from the department of foreign relations to the department of state, and Velazquez de Leon, its incumbent, was left without a portfolio. Martin del Castillo was put into Ramirez's place, to the great surprise of everybody, as he was only under-secretary of the treasury and manager of the imperial household. Manuel Siliceo was dismissed from the department of public instruction and worship, and Francisco Artigas, a young lawyer of no note, was put in his place.

The mystery of these changes remains unrevealed. Why did Ramirez leave his position and not quit the cabinet? Why was Siliceo dismissed from the cabinet when he had just deeply compromised himself by signing the sanguinary decree of the 3d of October? If this ministerial modification means a change of policy, it is very hard to comprehend it. The truth is, Maximilian must be much in want of capable men for his cabinet, when he has to fill it with persons unknown, or entirely disqualified for such distinguished positions.

Interested persons have represented Maximilian as a great reformer on account of the enactment of some organic laws promulgated last November. Those I have seen are very far from deserving praise. One relates to the departments, and the duties of their heads, but it is common. Another concerns the modification of a former decree, fixing the order of precedence among the imperial dignitaries, and it is simply ridiculous. The organization of the judiciary department is merely a copy of the law signed by Teodosio Lares at the time Santa Anna entitled himself serene highness, and inaugurated the absurd system of a monarchical farce in Mexico. If there are other laws worthy of eulogy in any way we have not heard of them; and even if they do exist they are not national, because they do not proceed from the proper authority.

But the most important part of the administrative functions is the direction of the treasury department. This has been organized by Francisco P. de Cesar, the present under-secretary. According to his report, the sum and substance of his efforts, in a financial way, consist in doubling the present taxation. It certainly requires no fiscal genius to do this. If this system can be carried out, the directors of the Mexican imperial treasury may boast of having solved all pecuniary difficulties. If doubling the rates of taxation will not do, they can triple or quadruple them, going on in geometrical progression until there be no deficit in government expenses.

The calculation of this estimate is very easy on paper; but in practice, we judge there will be inseparable difficulties. War is a great obstacle to the collection of taxes at present; but when all private fortunes are exhausted by its continuation, how is any government to subsist? It will require long years of peace to enable the country to support a monarchy, such as the present one.

The financial situation is becoming so complicated that it can never be untangled. The yearly estimate amounts to fifty-seven millions of dollars, eighteen millions of which go to the support of the army, and the thirty-nine remaining to the civil government. Our reasoning becomes more forcible as these expenses increase; and this is the government that was to be a panacea to all our ills! Any one acquainted with our country can see how absurd it is to think that such a sum can be collected. We laugh at the new financier sent to Mexico by Napoleon to make these ridiculous calculations. Mr. Langlais has asserted that it is very easy to make Mexico yield two hundred millions of dollars! When we see foreign financiers, entirely ignorant of our country, solve complicated questions in four words, we are tempted to exclaim: "Pardon them, O Lord, for they know not what they say!"

The present condition of the finances is gloomy: rentes and foreign loans have already been absorbed by the government expenses. The revenues of the States have also been used up, since the central system was substituted for the federative. The funds have been used to support a court of foreigners, that squanders money in great profusion. Horses, balls, excursions, shows, banquets, alms, servants, and dress, cost millions. Four millions' pay to the Austrian soldiers is aside from all this. Such extravagance will certainly bankrupt the country and put an end to the imperial farce.

In fact, everything conspires to make the situation more grievous, the few victories of the imperial arms not excepted. The advantage has mostly been on our side, even when the imperialists triumphed, for nobody can believe in its ultimate success in this prolonged struggle. For military operations in this vast country the imperial government depends upon the French expeditionary corps, the foreign legion, and Mexican soldiers armed by the invaders. A rapid view of these three elements will demonstrate the impossibility of executing the work proposed.

We cannot say exactly what is the number of men in the French expeditionary corps; but at the time the question was debated in the legislative assembly, it consisted of 23,000 men. According to another report, it consisted of twenty-one battalions of infantry, thirteen squadrons of cavalry, eight batteries of artillery, and a company of sappers. Although recruits have continued to come from France for the last few months for the army in Mexico, the force has not been increased, as they had to take the place of discharged soldiers. One of the ways Napoleon thought of to increase his Mexican troops, was to hire 1,000 soldiers from the viceroy of Egypt to serve in portions of the country unhealthy to Europeans. One of the dangers of employing these troops is, they may bring the cholera into the country.

This plan was protested against by Mr. Seward, in a note to the French government, and it was discontinued, and the idea abandoned.

From the most reliable information, the foreign legion consists of 12,900 men. Its losses are greater than those of the French troops, because it has taken part in almost all the important combats, with disastrous results, and has been sent to sickly regions where many died. Many of the Austrians sent to pacify Yucatan, perished there of yellow fever; and many Belgians died of fever in Michoacan. Typhus fever broke out recently in San Luis Potosi and destroyed many of the French garrison stationed there.

The auxiliary corps of Mexican traitors is the smallest body of troops fighting for intervention, and they are kept so purposely on account of the mistrust with which they are regarded. Desertion from the imperial to the republican ranks is another cause of diminution in the former. We know of none other of the Mexican auxiliaries but those of Mejia's division in Matamoras, Oronoz's brigade in Colima, a few of them in Acapulco, and those with Mendez in Michoacan.

As a summary of Napoleon's working forces in the field, we reckon 40,000 foreign troops and 6,000 or 8,000 Mexican imperialists. As the insurrection has now become general all over the country, this force is entirely insufficient for the proposed pacification of Mexico. Unless supplied with constant re-enforcements it will continue to diminish till it is useless; and even with those it has had, it has done nothing to end its mission.

In fact, the military operation of the last months of this year clearly demonstrate that the small fire is not so easily quenched, although the defenders of national independence were called bandits and were treated as such. Small as they may be and meanly as they are treated, their feeble efforts will soon put an end to monarchy and intervention.

The republican cause is still sustained in Tabasco and Chiapis, and the national government kept up. As their peculiar position exempts them from frequent molestation, they employ their leisure time in preparing for new struggles, or in lending aid to the national forces in their vicinity.

In the State of Vera Cruz General Garcia is attracting the enemy's attention, molesting him continually, and often doing considerable damage. We occupy important places for a time, and then are compelled to abandon them to the imperialists. This was the case in Zongolica, Huasteco, and various other towns, which were alternately taken by both parties. The republicans have recently taken possession of Tlapacoyan. The trains on the railway between Cordova and Orizava are frequently fired into. One train was stopped; the French were taken from it and executed.

Colonels Figueroa and Diaz have continued fighting in Oaxaca with varied success. After taking Tehuacan, Figueroa gained another important victory in Trapichito, routing an Austrian column, and taking the money it was escorting. The newspapers of the capital reported that the republican forces were overtaken and punished; but this could not have been true, as they soon returned to the field better equipped than they were before. The good sense of the people of Oaxaca will keep them steadfast in the good cause, particularly as they may expect aid from their neighbors, and can take advantage of the dissensions among the imperialist and Austrian authorities in the capital of the State.

Michoacan has been the theatre of events of much interest. The army of the centre has been reorganized, and has acquired such strength that its headquarters are now only twelve leagues from Morelia. The commander-in-chief has divided his forces into three sections: one under Riva Palacio, another under Zepeda, and taking charge of the third himself. The first advanced upon Morelia on the 12th of October, and would have taken the town if the cavalry had not wasted time in pursuing some flying Belgians outside, which gave the besieged time to strengthen their fortifications within the city. Our forces thus frustrated retired, with considerable loss to the Belgians.

The imperial newspapers also reported the defeat of Zepeda by Carriedo, a lieutenant colonel in the employ of the interventionists. As we have heard nothing of this from any other source we are inclined to doubt its truth.

As to the third section, we mentioned it when speaking of General Arteaga's assassination. Mendez says his victory at Santa Ana Amatlan was owing to his hurried march of twelve leagues through the hot region; but we think it more attributable to chance.

The lamentable events mentioned have not put an end to the war in Michoacan, a State that has distinguished itself in this war, for the chiefs there have given varied proofs of valor and constancy. General Regules has been put in command of the army of the centre, in place of General Arteaga. This distinguished leader, assisted by Bonda, Garcia, and many others, will preserve the good name of the State, and may add new honors to its renown by future deeds of glory.

The partisan leader, Ugalde, already so famous, has not failed to act in his line of business. He routed a force that was sent out after him from Mexico in San Felipe, and after a hard day's march had another encounter with the enemy, with the loss of a few of his men. As is usual, when republican news is reported in imperialist papers, Ugalde was said to be cut to pieces, and his force entirely destroyed. This was not true, for the formidable partisan made his appearance in a few days with a better force than before.

The republican Escamilla routed the imperialists under Llorente, at Huasteca, and both leaders were killed in the action.

It would be a tedious task to mention all the encounters of our partisans with the enemy ; suffice it to say, the republicans mostly get the advantage, and their number in the good cause increases, often swelled by those who had formerly figured in the intervention ranks when they had been forced to fight. General Juan Vicario belongs to this number ; he pronounced against the imperial government in Matamoras. Fermin Valdes, lately killed in an encounter, was another of these. If a few of these partisans surrender, as Fragosá did, a second time, many others rise up to take their places, thus demonstrating that the contest will be interminable.

In the State of Guerrero, where the public spirit has not been disturbed, the republican forces are increasing, and many of them joined General Díaz after his escape from prison. The brave sons of this State will soon have occasion to lend important aid to the national cause, as the port of Acapulco has been held since September by 500 men, under Montenegro, protected by the French fleet. When our garrison evacuated the town, most of the inhabitants left with them, and remained in the neighborhood, to prevent the entry of provisions for the enemy's use, as well as to harass them if they ventured outside. They can only get provisions now by sea. Many of the garrison are sick, and not a man can venture beyond the town without running the risk of capture. They would have been attacked and destroyed long ago but for the French vessels which protect them. They have lately received re-enforcements under a certain Torres, and, it is said, 500 more are coming from Mazatlan. For all this their position is not much better ; for, if they confine themselves to the port, disease and hunger will destroy them ; and if they venture into the interior, the obstacles and difficulties they meet with will be insuperable in a defensive warfare.

General Escobedo having determined upon a new campaign in the frontier States, marched upon Matamoras with all the troops he could raise in Tamaulipas, Nuevo Leon, and Coahuila. The first cavalry brigade was left to guard Monterey.

On the 22d of October the northern army corps camped at Alvino Peña, within cannon-shot of the town. General Escobedo sent Colonel Sostenes Rocha to demand a surrender of the place. As it was refused, trenches were made by the republicans and batteries erected preparatory to an assault.

Tomas Mejía finding some confederate officers among Maximilian's troops, had them shot, because he had been informed that they intended to surrender the place to Escobedo, if they found an opportunity.

On the 24th orders were issued for the attack next day. General Hinojosa was placed on the right, General Cortinas on the left, and a feint was to be made in the centre to divert attention. At 2 o'clock on the morning of the 25th a north wind and hard rain came on and continued until 5. As the weather prevented an attack, the troops stationed on the flanks fell back. At half past four the signal for attack was given, but, as it could not be simultaneous, it failed, though commenced with vigor. Hinojosa advanced first and penetrated the city to Independence square. The enemy was repulsed ; but, being re-enforced from the forts, and supported by the steamer *Antonia* that came up the river and took our forces in the rear, we had to retreat to our original position. General Hinojosa and Colonel Adolfo Garza were badly wounded in the engagement. At that moment the left wing came in with boldness. General Cortinas took one fort and disabled another ; but the enemy's reserve being free, fell upon their new assailants and drove them back. They withdrew in good order.

Thus an affair that would have been of signal importance was frustrated by accident. If the attack had been simultaneous instead of partial, the republicans would have been victorious.

Mejía then sent out his cavalry three consecutive times to attack our centre, and was driven back each time.

There was no formal attack made afterwards. Rain and wind continued without interruption. Skirmishes were lively every day. On the 7th Canales attacked a steamer bringing some French marines to aid, wounded a few men, but the steamer passed.

Hard weather, want of munitions, and the news of the evacuation of Monterey by the French caused us to raise the siege of Matamoras, after vainly endeavoring to provoke Mejía to battle in the open field. Cortinas remained guarding the post while Escobedo marched towards Monterey, on the 14th of November, with the Naranjo brigade ; the rest of the troops went into quarters.

The reason why Matamoras was not taken having been explained, it is evident that natural forces, over which we had no control, prevented its fall.

The imperialists, with their usual mendacity, misrepresented this attack ; they called it a defeat ; did not give the correct list of losses, and represented the republicans as annihilated. If that had been the case, why did not Mejía come out and give chase to the fugitives ? Even after Cortinas was left alone in front of the town, the interventionists did not dare to attack him.

During the siege, the American soldiers in Brownsville continued to applaud the besiegers. The traitors and French asserted that they furnished ammunition to the Mexicans. This was the cause of a warm correspondence between the French marine Clouet, Thomas Mejía, and the American General Weitzel, in which the last completely disproves his infraction of neutrality, but does not conceal his sympathy, and that of his men, for the cause of the Mexican republic. Weitzel sent Clouet an insolent note, and would have nothing more to do with the presumptuous marine.

The evident preference of the American army, and all the people, for our cause, makes it hard for them to conceal their expressions; and if the French troops do not withdraw from our soil this feeling will certainly bring about a conflict between France and the United States. General Escobedo, still designing to occupy Monterey, left Cadereyta Jimenez the 22d of November with the first and second New Leon brigades and two squadrons of Coahuila rifles, and stopped for the night at Guadalupe, one league from the said capital. It was known to Tinajero and Quiroga, in defence of the capital, that Ruperto Martinez had three hundred men for the republicans; so they determined to attack us before that aid could come up. The attack was made on the 23d, and we stood it bravely. Then we attacked them, with Colonel Treviños's cavalry in the flank and rear and the rest of our forces in front, and routed them completely, taking many prisoners, and arms and ammunition of all sorts.

The expected re-enforcements arriving the next day, the 24th, it was decided to storm the town. Three columns were arranged under Colonels Rocha and Naranjo, with commander Martinez. The attack was made so boldly the single forts soon fell into our hands, the garrison was dispersed, and the fugitives took refuge in the citadel and Obispo fort. The enemy's loss was great.

As soon as our movements were known, Commander La Hayrie of Saltillo, and Jeanningros, just made general, who was going to Monclova, offered assistance to the besieged. La Hayrie, being the nearest, arrived first, reaching Monterey by forced marches on the morning of the 25th. He marched straight into the city and attacked us boldly; but the republican infantry compelled him to retreat. Colonel Rocha charged them with his cavalry, and drove them quite out of the city, with the loss of many killed and wounded.

When General Escobedo was about to attack the French and traitors that had hid in the citadel and Obispo fort, he heard that Jeanningros was at San Francisco, only a league and a half from Monterey. As he had not enough forces to hold the place, he left it, in good order, at two o'clock in the afternoon of the same day, the 25th.

We had gone but four leagues when the French cavalry overtook us, harassing our rear; but we soon turned and drove them back. They returned to Monterey that night. Our troops continued their march unmolested to Camargo, where they intended to rest for a new campaign.

Jeanningros's sudden arrival at Monterey annulled the good effect of our three successive victories on the 23d, 24th, and 25th November.

Our repulse of Quiroga and Tinajero, in their first attack, was very commendable; and our subsequent assault and temporary capture of the city was a still more deserving feat. The commander said in his report of the affair: "With plenty of such soldiers, we would soon see the independence and liberty of our dear country secured."

The interventionists distorted the events of Monterey as much as possible, according to their inveterate custom; and the defeat of Tinajero and Quiroga at Guadalupe was changed into an imperial victory. The rout of La Hayrie was passed over in utter silence. They proclaimed a victory over the republican forces when they attacked our rear-guard, when we had only three wounded and eight scattered. The only thing they did not deny was the capture of Monterey, in which prevarication was impossible; and that is the way imperialists write history!

In order to concentrate the army, Marshal Bazaine ordered the withdrawal of the French that had invaded the States of New Leon, Coahuila, Chihuahua, Sinaloa, and Sonora in the months of September and October. This movement was made simultaneously, and was soon known by us. Jeanningros left Monterey and Saltillo for San Luis; General Briucourt abandoned the State of Chihuahua, followed by all the traitors that had joined his party. This was a good lesson to those who had changed their principles so suddenly; they were suddenly abandoned by their new friends, the invaders. The French left every part of Sinaloa, except the port of Mazatlan, and the garrison soon began to desert that place too. And finally all the foreign troops in Sonora left Ures and Hermosillo, and concentrated in Guaymas, which place Colonel Garnier soon left for Mazatlan.

Before the evacuation of Sonora a very lamentable accident occurred. General Rosales, who was compelled to quit Alamos, returned in August to attack the imperialists garrisoned there. This he did with his accustomed courage, but was beaten back with considerable loss, and perished in the fight. Such was the lamentable but glorious end of the victor at San Pedro. Long will the country remember his deeds.

After the evacuation of Chihuahua, the President determined to return to the capital of that State. Before he left El Paso he ordered a town to be laid out at Presidio del Norte, and named it Ojinaga, after the gallant general of that name who perished in defence of the national cause. He issued a circular, ordering all generals, chiefs, and officers who had left the republic without express leave from the government, or those who had overstead their leave, to be imprisoned as soon as they returned and tried for the offence. * * *

Two days before the government left this place it was honored by a ball given by the American officers in Fort Bliss, as a testimonial of their sympathy and esteem, which had been shown before on several occasions.

When the government returned to Chihuahua the new governor and military commander was in power. When the French left they appointed Felix Maceyra as governor, upon the recommendation of the principal citizens. Then Colonel José Merino, political chief and

military commander of the eastern frontier of the State, making use of the power conferred upon him by the government, made Luis Terrazas political chief and military commander of the capital, and he immediately assumed the position, and he was soon confirmed in it by the State government. There was this singular coincidence with Terrazas: he had been made political prefect of the department by General Brincourt, when the French had possession, and confirmed by Maximilian. Both appointments were undoubtedly made on account of his popularity. Maximilian did not know him, but presumed he would lend himself to the cause of intervention. He was much mistaken. Mr. Terrazas's loyal and patriotic conduct will be honored in all time to come.

The President left El Paso on the 13th of November, and arrived in Chihuahua on the 20th. An account of his reception there was published in a supplement to the official paper on the 21st. It is a faithful and exact report of the memorable celebration.

The government had hardly got to Chihuahua when it was rumored that the French had returned to the State. At first the strange report was hard to believe, for it could not be imagined why the enemy should come back and repossess the same places they had just left. But it was a serious fact, and the invading forces rapidly approached the capital. They were not far off, when the government resolved to return to El Paso a second time.

To judge from reports, the advance movement of the enemy was general, just as the retreat had been a few months before. In fact, Jeanningros came back from San Luis to Monclova about that time, driving out Andres S. Viezca, governor and military commander of the State of Coahuila de Zaragoza, and following him almost to Piedras Negras. We do not know if the same happened in Sinaloa and Sonora, but we presume it did, as that was Marshal Bazaine's general plan.

Generals Rubi and Corona have their forces united in Sinaloa to oppose the enemy. They have possession of the entire State, except the port of Mazatlan, and they were approaching to take that. They are prepared for every emergency. As to Sonora, although Gandara had induced many of the semi-savages of the State to adhere to intervention, it is most probable he has been whipped by General Martinez and Colonel Correa, who went with a republican force to meet him. These chiefs, in union with General Garcia Morales, at any rate, will keep alive the flames of insurrection.

The President of the republic reached this city on the 18th instant. At the distance of two leagues from town he was received by the local authorities, the principal citizens, and many country people. A band of music met him at the entrance of the town, and accompanied him with crowds to the house prepared for his place of residence. The people applauded him as he advanced, and the firing of guns, the ringing of bells, and salvos of artillery expressed the public rejoicing. The houses of the principal streets were hung with curtains and flags. There was a banquet spread in the building prepared for the President, and it was attended by the local functionaries and many distinguished persons, some of whom carried their amiability so far as to wait on the table themselves. Many ladies called on the chief of the nation the next day, and he seemed delighted with the demonstration of preference thus displayed.

General Ignacio Mejia was appointed minister of war on the 25th. The good services he has rendered his country on various occasions make him worthy of the position. He was one of the chief defenders of the national cause on the memorable 5th of May, 1862, and at the siege of Puebla, in the following year, where he was taken prisoner and sent to France. He has remained steadfast in his cause, and rejected indignantly all proposals of submission to the interventionist government. Now he has returned home he will have an opportunity to devote himself anew to the service of his country, as he is now doing in the high position to which he has been deservedly called by the confidence of the President of the republic.

A few days after the establishment of the government in this city a report was circulated that the enemy from Chihuahua intended to attack us. This seemed very probable, as the invaders are doing all they can to drive the Chief Magistrate of the nation from Mexican territory. But it seems they are not in a condition to undertake new excursions, as the troops at the capital are not sufficient to garrison that place and furnish an expedition against this at the same time. It is even reported they are so weak they are afraid of an attack from us, and are digging trenches and erecting fortifications for defence.

In case of an attack upon us, we will be well prepared for it. Due preparations for defence are making around us, and both the state and general governments are collecting all the elements of war for the occasion. In case of the enemy's advance he will most probably meet with an unexpected resistance, capable of frustrating his plans; and even if it should not be so, he will scarcely succeed in driving the President from the national territory.

All this will not put an end to the war that has already lasted four years; nothing less than an abandonment of invasion will do it. The national cause is certainly in a better condition to-day than it was at the close of 1864. Great advances have been made against intervention in Europe, in the United States, and in our own republic, of late years, and we have taken care to note them down in the series of our reviews. The very probable withdrawal of the French troops; the end of the civil war in the neighboring nation, and its firm position on the Monroe doctrine; Maximilian's want of pecuniary means, and the impossibility of obtaining them by loans; the disorder of everything in the empire, and the determination in the country to resist foreign dominion—these are the marked advantages that have been

gained within the last twelve months. Many anticipated advantages have been realized in 1865. We have good reason now to hope that French intervention will soon come to a close, and leave the Mexican republic to re-establish its former independence, and restore its liberal institutions before the end of the year of 1866.

Paseo del Norte, December 31, 1865.

ANTONIO DE CASTRO Y CARRILLO.

Senor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, March 20, 1866.

MR. SECRETARY: I have the honor to enclose you some extracts from the *Moniteur Universel*, of Paris, containing that portion of deputy Glais-Bizoin's speech in the French legislature on the 27th of February last, during the debate on the discourse from the throne in relation to Mexican affairs. I also enclose with this note the brief discussion of the same subject in the house, on the 2d instant, when Mr. Rouher's (the minister of state) proposal in regard to the Mexican expedition was adopted, and the debate upon it reserved for a future occasion, against the protests of the opposition. The pretext alleged by Mr. Rouher to avoid debate on Mexican affairs was, that certain communications to the so-called government of Maximilian had not been answered yet, and, of course, no report could be made to the house concerning them. Thus, instead of postponing the discussion of the paragraph, the controlling influence of the imperial government caused the vote to be taken, and the proposal was adopted.

I refrain from comment on this strange proceeding, because I think it unnecessary.

I profit by the opportunity to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the *Moniteur Universel*, Paris, January 28, 1866.—Translation.]

Mr. Glais-Bizoin, having secured the floor, rises and says:

GENTLEMEN: The decree of the 24th of November has granted us the right—for we are now living in the reign of grants, like the restoration, a reign very unlike the noble and generous American system, that leaves the people to enjoy their rights and the President to do good or evil for four years—I say this decree has granted us the right to express our sentiments concerning the management of affairs to the chief power, to show him our wishes and the necessities of the country; and it is now our duty to speak truth where flattery has prevailed.

To accomplish this—and here I agree with Mr. Pamard, and it is perhaps the only thing in which we agree [laughter]—eloquence is not necessary; but we must have that holy love of liberty, dearer to us than life itself, and without which we would consent to that moral decay in which our country is kept, when it should be the leader in progress—[murmurs and exclamations in different directions.]

GRANIER DE CASSAGNAC. This is too bad! We will not stand such abuse!

President WALEWSKI. Mr. Glais-Bizoin, I shall have to call you to order if you go on so. I hope you will consider my advice. [Good! good!]

GLAIS-BIZOIN. Much obliged to you, Mr. President. I was going to say, when it should be the leader in progress and emancipation.

Whatever strength this sentiment gives me, I am embarrassed by the multiplicity of questions suggested by the discourse from the Crown. These questions are confused by a fault in the constitution that denies us the right of introducing a bill, and the power of distributing the business equally through the session, and discussing the plans and projects, as was formerly done, and is still practiced in all representative parliamentary governments.

But we are compelled to accept the situation, whatever it may be, and to make the best of it or the worst of it. [Smiles in parts of the house.]

These questions may be ranged into two categories: accidental questions, such as of finances and foreign affairs, and questions of a permanent interest, touching our liberties, which cannot be solved without implicating the constitution. Let us consider the first.

The author of the Crown speech glances over the political globe, wherever French arms are engaged, and with the satisfaction of the God that speaks in the book of Genesis, says: "Behold my work is very good!"

BELMONTET. He is right.

GLAIS-BIZOIN. What does Mr. Belmontet say?

BELMONTET. I say he is right, the Emperor Napoleon. [Approving laugh.]

GLAIS-BIZOIN. But he turns away from Poland, once the object of his solicitude, where a death-like silence reigns.

On beholding our former friend and ally in the north devoured by the double-headed eagles of Prussia and Austria, he is pleased and grieved. Can the minister of state explain these contradictory emotions?

At Rome, in Italy, the work is good. The convention of the fifteenth of September will be enforced.

Gentlemen, we are about to quit Rome, where we went to save the Pope, and robbed him of two-thirds of his domain, just lessening his worldly cares by two-thirds. [Laughter and applause.]

We quit Rome with the hate of the ultra-clerical party that called us, and the hate of Romans who never saw armed foreigners before within their walls, and I thank them for it. We quit Rome, hated by the republican party, because France put it down. And, finally, we quit Rome after spending more than four hundred millions there, the abundant fruits of that expedition.

We went to Cochín China to please the ultra-clerical party, and now we are obliged to stay there. Algeria is the only place where we are not progressing.

The author of the Crown speech [interrupted by several members: Why don't you say the Emperor?] glancing towards Mexico, says again: "Behold, my work is very good! there is a government made by the will of the people," and let me add, by 40,000 French bayonets. [Sundry exclamations.] Gentlemen, that is so.

PRESIDENT WALEWSKI. Mr. Glais-Bizoin, I call you to order; not by 40,000 bayonets, but by the will of all the French people.

GUEROUT. Does the gentleman mean Mexico?

JULES FAVRE. He is called to order on the emperor Maximilian's account.

GLAIS-BIZOIN. I think there is a mistake, Mr. President, a misunderstanding on your part, and I would like to proceed with my speech.

PRESIDENT WALEWSKI. We do not hear you; speak louder, and there will be no mistake.

GLAIS-BIZOIN. I thought so, Mr. President. What I stated was a fact. I was saying that the Emperor, in speaking of the government founded by the people—

MAGNIN. In Mexico?

GLAIS-BIZOIN. Yes, in Mexico.

SEVERAL VOICES. Why didn't you say so, then?

GLAIS-BIZOIN. I began the sentence by saying: Glancing towards Mexico—

SEVERAL MEMBERS. We did not hear that part.

PICCONI. As there was a mistake, I hope the call to order will not appear in the report.

GLAIS-BIZOIN. They say that order reigns in Mexico. Yes, order is maintained by Belgian and Austrian troops, paid with money taken from the purses of our tax-payers; maintained by Turcos, who give no quarter; so the *Moniteur* says—horrid thought!—[murmurs;] maintained by our brave soldiers, that an abominable decree has converted into butchers for Maximilian. Ah, I thank Marshal Bazaine for refusing to execute the decree, and thus saving our flag from a stain that could never have been washed out.

They say the Mexican government is becoming strong. That expression may quiet the official world, but it will not satisfy the anxiety of the business world and those sound minds who compare this expedition with the Spanish war, one of the causes of the fall of the first empire. [Oh! oh!] Gentlemen, you all know the history of the first empire. The war with Spain was called memorable by a senate that did not bury all cowardice. [Noise.]

History will have a hard page for this expedition. It will tell how foolish it was, and show the diplomatic duplicity that caused it. To see this we have only to refer to the diplomatic correspondence of 1859 between the French and Spanish governments, and more particularly to the despatch of the minister of foreign affairs in 1861 to Count Flahaut, our ambassador to England, in which the Maximilian affair is discussed. You must next read the tripartite convention to satisfy claims on Mexico. See Article 2, where it says the high contracting parties bind themselves not to exert any influence upon the internal affairs of the Mexican government.

The allies had no sooner appeared at Vera Cruz than the Mexican government called for quarter, and the treaty of Soledad was concluded, Mexico granting all claims demanded. But the French government refused to honor the signature of her representative, one of the most noted personages in our country. [Interruptions.] Do you deny it? He was made senator.

MINISTER OF STATE. You are mistaken; you are not acquainted with the facts.

GLAIS-BIZOIN. Our allies left us, because they did not wish to destroy a government after they had promised to respect it, and place an Austrian prince upon the throne.

General Prim's remarkable letter foretold what has happened. [Ironical exclamations.] Your disturbance shows you have not read that letter, for it predicted our present difficulties.

A MEMBER. We are in no present difficulties.

GLAIS-BIZOIN. Our allies, I say, left us, because they would not violate a solemn promise not to interfere with the internal government of Mexico, and would not join France in exacting reimbursement of worthless credits of a banker whose name has become famous.

A MEMBER. They did not want to share in our glory.

GLAIS-BIZOIN. General Lorencez was ordered to advance, and the army was constantly increased by the accession of those Almonte and Ramirez traitors.

BARON BENOIST. You are aiding our enemies; you are firing upon our flag.

GLAIS-BIZOIN. Those traitors who are not ashamed of the infamy that hangs to those who turn against their country or join its enemies. When we are stopped at Puebla, the cry is: "The honor of France is at stake!" Then General Bazaine, now marshal, with 40,000 men, invades Mexico; a few towns are taken, and a vote is polled, when, lo! the name of Maximilian comes out of the urn; and against this unrighteous election the Mexicans have been protesting, with arms in their hands, for three long years, and with an earnestness I should like to have seen in those men who were called the brigands of the Loire in 1814.

Yes, the Mexicans are protesting against that sham election, and they are joined in their protest by that great nation called the United States. While acknowledging our right to make war to obtain due satisfaction, the government at Washington reminds us of the convention, and says, "We allow that—[loud exclamations.]

BARON BENOIST. We don't want the consent of the United States. We don't intend to cringe to them.

GLAIS-BIZOIN. The United States says to us, "We confess your right to demand satisfaction; but, as you would not be pleased to see us set up a republic on your borders, we are not pleased to see you set up a monarchy on ours, and compel us to keep a standing army, contrary to the spirit of our institutions." Nothing is more sorrowful than the last despatches of the minister of foreign affairs, who tries to destroy the effect of the imperial letter by resorting to all the cunning of diplomatic language, and to prove that we have not violated article two of the London convention, and that it is not the intention of France to keep Maximilian on his throne by force. But how are we to get out of the scrape? If we had a parliamentary government the issue would be very easy—[disturbance in different places.]

BARON BENOIST. In that case we would make peace at all cost!

GLAIS-BIZOIN. If a ministry had advised that expedition, it would have been put down long ago by the indignation of the house and the people. [Pshaw! hush up!] They would have said to the government, "You have engaged France in the affair; now withdraw her and substitute your false pride and your false honor." [Noisy exclamations.]

But how are you to get out of it now? It is not my business; it is yours. [Ah! ah!] But I am willing to acknowledge the expedition as a blessing of Providence, whatever may be its consequences—war or peace—provided it serves as a warning lesson to my country, that has so soon forgotten the causes of ruin to the first empire—the result of a personal government; and if it will only remember in future that the greatest danger to a nation is to trust its destiny to the will of a single individual. [Exclamations.]

BELMONTÉL. All France protests!

President WALEWSKI. You must perceive, Mr. Glais-Bizoin, that you wound the feelings of the house.

MANY VOICES. You are right; that is so.

JULES FAVRE. We did not meet here to compliment each other.

[From the *Moniteur Universel*, Paris, March 3, 1866.—Translation.]

Legislative chambers, session of Friday, March 2, 1866, Count Walewski presiding.

President WALEWSKI. I will read paragraph 3 of the address:

"Our Mexican expedition is drawing to a close, and the country is pleased with the prospect. Forced to undertake the expedition for the protection of our citizens against violence, and to demand satisfaction for real injuries, our soldiers and sailors have gallantly achieved the task. Your Majesty trusted to their devotion. This expedition is another proof of the power of France in distant countries. The people of the United States, who have long known the loyalty of our policy, and have always had our sympathy, ought not to be offended at the appearance of our troops on Mexican soil. To recall them at the instance of the United States would be to yield our rights and tarnish our honor. You, sire, have the care of them, and the legislative assembly knows you will preserve them with a solicitude worthy of France and of your name."

The minister of state takes the floor:

ROUHER. The Mexican question is seen from two points of view—from France and the United States, and from France and Mexico, and they cannot be separated; if they could, then the Mexico-United States question could be easily discussed. All the despatches relating to it have been published, and everything is known; the house can soon form its opinion. As regards Mexico especially, the French government has sent communications to the government of Maximilian; but the great distance has not yet permitted a reply. For that reason I mentioned in the pamphlet of diplomatic despatches distributed to the assembly that the Mexican correspondence would be published hereafter. It is not necessary for me then to dwell on the impossibility of publishing despatches that have not yet been received. [Good.]

It is the wish of the government then that the house do not take up the Mexican question at present; it will naturally come up in the course of the session. The government is as anxious as the house or the people are to take it up, but it wishes it to be done thoroughly and at a proper time. That time has not yet come, and I think the house will agree with me when I ask that the paragraph be adopted without debate.

MANY VOICES. Yes, yes! Put it to the vote.

PICARD. I ask permission to make a few remarks.

President WALEWSKI. Mr. Picard has the floor.

ERNEST PICARD. As the interest of the country is concerned in this question, I will consent to the postponement of its discussion, and I hope the house will approve of it.

Perhaps the minister of state will think proper to fix a day for the discussion of the question as soon as the Mexican correspondence shall be received, before the debate on the appropriations. [Noise in several parts of the house.]

BELMONTET. The question may come up when the contingent expenses are discussed.

ERNEST PICARD. We presented an amendment; another was offered by the majority.

President WALEWSKI. It has been withdrawn.

ERNEST PICARD. Our amendment is in order; we maintain it, but are willing to defer the discussion.

SEVERAL MEMBERS. It cannot be! The address must be put to the vote.

President WALEWSKI. I do not understand Mr. Picard. The amendment is either maintained or withdrawn; if it is maintained, it must be discussed and put to vote.

SEVERAL MEMBERS. This is right and logical.

President WALEWSKI. You cannot defer an amendment to the address, when it is to be voted on finally. [That is evident.] You must do one of two things; either withdraw the amendment or let it be discussed; take your choice.

ERNEST PICARD. The president will permit me to say that he has not properly stated the question. I do not think it becomes the dignity of the house to settle the great Mexican question definitely, as the president proposes, without discussing it. The paragraph of the address therefore ought to be expunged. [No, no!] I insist that it be expunged, as it does not express the voice of the house; and I cannot believe it will retain an opinion on the most serious of all the questions in the address, without a profound discussion of its merits.

President WALEWSKI. You mean then that you want your amendment debated?

ERNEST PICARD. Allow me to explain. It is evident that both the house and the government wish the address to express the truth of facts, and as this cannot be reached, the discussion should be deferred; and if we retained the paragraph in the address without its discussion, we would not be understood abroad.

President WALEWSKI. Then you will vote against the paragraph?

ERNEST PICARD. Certainly we will vote against the paragraph; but we cannot withdraw our amendment. And, as I said at first, we will not insist on its discussion now if it is against the interest of the country, as they tell us.

President WALEWSKI. You do not withdraw your amendment, therefore I must propose its discussion.

ERNEST PICARD. It must be referred to the committee.

SEGRIS. I ask to be heard on the question.

President WALEWSKI. You may speak.

SEGRIS. I have but a single remark to make. This question, gentlemen, seems to me of the greatest moment. Our discussions are heard by all of Europe. Well, what is the present situation? We have just been told that "the Mexican question is in such a condition that its discussion at this time would be seriously improper; that despatches have been sent, but it is not known if they reached their destination. To discuss that question now would only cause confusion, and perhaps render its solution more difficult. We request, therefore, that the discussion be deferred, to be taken up at a later day, either before the discussion of the budget or at that time." That is what the minister of state said in the name of the government. Now I ask him how he can reconcile a proposal so just and reasonable with an immediate vote upon a paragraph to which two amendments have been proposed, and which is of such great importance. If all wish the discussion to be deferred—[Interposition.]

President WALEWSKI. You don't wish the paragraph to be voted on then?

SEGRIS. Excuse me, Mr. President. I would like an explanation from the orators of the government. I believe the minister of state intended simply to say: As this question cannot be properly discussed at present, it had better be postponed, and I therefore propose its postponement. Now I ask you, is voting on the paragraph equivalent to postponing it?

MANY VOICES. Refer it to the committee.

ROUCHER, minister of state. Gentlemen, I do not deny the impropriety of voting upon a question without previous discussion. It is the usual custom in legislative assemblies to discuss every question thoroughly before it is put to the vote; but this is no common question, and a vote on the address will not prevent a full discussion, at a proper time, of all questions relating to Mexico.

A MEMBER. We must have an opinion or we cannot vote.

President WALEWSKI. No interruption!

THE MINISTER OF STATE. In questions of this kind, explanations interchanged between the government and the house are the safeguard and dignity of each. Now, what do we say to the house? A debate on the policy of the government towards Mexico, and on its recent proposals to the government of the emperor Maximilian, not yet heard from, seems to me to be entirely premature.

We ask the house to postpone it; and, to facilitate its complete development, the government will submit the despatches since the last session, not in the Yellow Book, to the consideration of the legislative assembly.

But the discourse of the Throne has expressed a thought that the expedition was drawing to a close, and that thought is common to the government and the legislative assembly; in fact, it is the thought of public opinion, and so it is expressed in the address.

Under these circumstances, where is the inexpediency of the expression of opinion by the legislative assembly? As to its result, and its connection with affairs of the United States, let those questions be discussed hereafter. Leave no blank at present in the address that you are going to present to the Crown; but let it be understood by everybody interested in our debates that our respective sentiments are reserved, and that the dignity of no person is compromised. [Good! Let the vote be taken.]

ERNEST PICARD. One word, if you please, Mr. President. [The vote! the vote!]

BUFFET. I would like to ask the minister of state a simple question. He has just told you that it is improper to discuss the Mexican question at this time, because all the documents are not yet on hand. Now, I wish to ask him if a collective opinion can be formed upon it in the house when it does come up, so as to incorporate it with the address. If there is any likelihood of that, then I have no objection to vote on it now.

ROUCHER, minister of state. The answer to the gentleman's question is easy. The Mexican question will be thoroughly discussed in due time; that is, when the budget for 1866 is brought up. It can then be analyzed and presented to the house; and, as acts of the government are more properly investigated at that time, the house can then give a final opinion.

What we most need is information, truth, and harmony between the great powers, and the government will do all it can to attain this, and thereby promote public interest and prosperity. [Good! good! Let us take the vote.]

ERNEST PICARD. I hope a proposition will not be voted on till it is maturely considered. This resolution is twofold. First. How is it to be considered hereafter? Second. It is a question that belongs solely to the house, and not to the minister of state and his colleagues. According to the constitution and the rules of the house there is but one time when we can discuss it, and that is during the debate on the address, and there will be no time when we can discuss it as fully as now. If the house wishes to put the question to a vote, it has only to say so. [Vote! vote!]

President WALEWSKI. Do you withdraw your amendment?

ERNEST PICARD and other members. No, no!

President WALEWSKI. I will now put to the vote the amendment proposed by Bethmont, Garnier-Pages, Julius Favre, Pelletan, Duke Marmier, Picard, Glais-Bizoin, Javal, and others. Here is the amendment:

"We condemned the Mexican expedition from its beginning on account of the difficulties and sacrifices it would cause France.

"The return of our soldiers was solemnly announced last year, and we regret it has been delayed to the detriment of French interests.

"The country has not forgotten the first declarations of the government concerning the causes of the expedition, and it wonders to see our army still sacrificed to the defence of a foreign throne."

The amendment was put to the vote and rejected by a large majority.

THE PRESIDENT. I will now put paragraph 3, which has been read, to the vote. [Vote! vote!]

Paragraph 3 is put to vote and adopted.

President WALEWSKI. I now propose to the house that the remainder of the discussion be postponed till to-morrow. [Yes, yes!]

At ten o'clock to-morrow the discussion of the address will be resumed.

House adjourned at quarter past five.

CELESTIN LAGACHE,

Stenographic Revisor and Director of Short-hand Corps

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 24, 1866.

MR. SECRETARY : I have the honor to remit to you a copy of a note which I have just received from the consul general of the Mexican republic at New York, dated yesterday, in which it is intimated to me that a person worthy of credence has given him information that there have been shipped on board the steamer Manhattan, which should sail from New York for Vera Cruz this day at three o'clock in the afternoon, five thousand muskets, purchased by the agents of the usurper Maximilian, and shipped, not as private property, but for account of the said usurper.

I think it my duty to beg that you will please to give the orders necessary that the export of said arms, in case the facts communicated to me turn out to be true, be not allowed.

I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

CONSULATE GENERAL OF THE
 REPUBLIC OF MEXICO IN THE UNITED STATES,
New York, March 23, 1866.

I have the honor to bring to your knowledge that at this moment a trustworthy person has come to me, assuring me that on board the steamer Manhattan, which is to leave this port at three o'clock to-morrow, there are five thousand muskets, purchased by the agents of Maximilian, in violation of the laws of neutrality.

In communicating this for the purposes which may take place, I renew to you the assurance of my consideration.

JUAN N. NAVARRO.

Citizen MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
 of the Mexican Republic, Washington, D. C.*

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 24, 1866.

SIR : With reference to your communication of this date requesting that the necessary orders may be given by this government to prevent the exportation of five thousand muskets "purchased by the agents of the usurper Maximilian and shipped not as private property, but for account of the said usurper," I have the honor to enclose a copy of letter of this date from the Attorney General, whose opinion I hastened to obtain. It appears therefrom that the orders suggested would be illegal.

Accept, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Speed to Mr. Seward.

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., March 24, 1866.

SIR : I have the honor to acknowledge the receipt of your note of the 24th of March, together with a copy of a letter from Mr. Romero, the minister of the Mexican republic.

Mr. Romero says that he has been informed that agents of the "usurper Maximilian" have purchased in New York five thousand muskets, and that "they are to be shipped to Vera Cruz, not as private property, but for account of the said usurper." Mr. Romero asks that the shipment be not allowed. You ask my opinion whether there is any law or regulation now in force prohibiting the exportation of arms for the account of any person whatever, be his political designation real or assumed, or of any government.

This question is fully answered in my opinion delivered to you on the 23d day of last December.

The opinion of the 23d of December was given upon a complaint of Mr. Romero that General McDowell, commanding the military department of California, had prohibited the exportation of arms or munitions of war by the frontier into Mexico. That opinion is to the effect that General McDowell's order was unlawful.

I can perceive no difference in principle betwixt that case and this. So far as neutrals are concerned, belligerent parties are equal.

I know of no law or regulation which forbids any person or government, whether the political designation be real or assumed, from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser.

I am, sir, your obedient servant.

JAMES SPEED, *Attorney General.*

The SECRETARY OF STATE.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 25, 1866.

MR. SECRETARY : I have the honor to acknowledge the receipt of your note of yesterday, informing me that "in reference to my communication of this date, requesting that the necessary orders may be given by this government to prevent the exportation of five thousand muskets purchased by agents of the usurper Maximilian, and embarked not as private property, but on account of the said usurper," you enclose me the copy of a note from the Attorney General of the United States, whose opinion you had readily asked, and from which it appears that the orders referred to would be illegal.

I also received the copy of the note of the Attorney General of the United States addressed to you yesterday, stating that the question was settled by the opinion he gave to the State Department on the 23d of December, 1865, of which you sent me a copy with your note of the 24th of that month.

The Attorney General states that that opinion was given in reply to a complaint of mine against the order issued on the 11th of October, 1865, by General McDowell, commander-in-chief of the military department of California, prohibiting the exportation of arms and munitions of war across the northwestern frontier of Mexico; that the order was then declared illegal; and adds, there is no essential difference between that case and the present, for as far as neutrals are concerned, belligerent parties must consider them as equals.

The Attorney General concludes by saying that "he is acquainted with no law or regulation that prohibits any person or government, whether the firm be real or fictitious, from buying arms from citizens of the United States and shipping them at the risk of the purchaser.

In submitting to the government of the United States for the first time the question of the legality of the exportation of articles contraband of war from this country to one of the belligerents in the present war in Mexico, you replied to

me in your note of the 24th of November, 1862, enclosing me the copy of a note from the Treasury Department to the Department of State, dated the 20th of the same month, (Executive Document No. 11, sent to the Senate of the 38th Congress, 1st session, page 19,) and extracts of authorities quoted by the Solicitor of the Treasury, from which it appears that the purchase of articles contraband of war in the United States, and their exportation for the use of belligerents, is permitted when it is done in trade by *way of merchandise* and private speculation, but not when done directly by one of the belligerents, with the declared intention to be used against the other belligerent, with whom the United States are at peace.

This is the same principle, in my judgment, that serves as a foundation for the neutrality laws of the United States, which prohibit the arming of vessels of war in the United States for belligerents, as well as the organization of hostilities against either of the belligerent parties.

Such, at least, was my understanding of the neutrality laws of this country, up to the present time, deduced from data furnished me by your department; that is, trade in articles contraband of war for the use of belligerents, was lawful when carried on by merchants as a private speculation, but unlawful when done by the belligerents themselves.

For that reason I complained of General McDowell's order, supposing it prohibited all trade, both that which I considered to be lawful and what I held as unlawful, and I requested it to be revoked in regard to the first.

And for the same reason I requested in my note of yesterday that the necessary orders should be issued to prevent the clearance of the "five thousand muskets purchased and shipped in the steamer Manhattan for Vera Cruz, by the agents of the usurper Maximilian," stating I had been assured that the muskets had been shipped, "not as private property, but on account of the said usurper;" and I added, "that I desired the orders to be issued, in case the facts were as they had been represented to me."

The Attorney General says that "he knows of no law or regulation which forbids any *person or government*, whether the political designation be real or assumed, from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser," and this statement makes me believe that I have been mistaken in my understanding of the laws of this country, since I cannot suppose for a moment that a restrictive interpretation to the disadvantage of Mexico has been given to them, up to the present moment. In this supposition I have now to state, that I accept the interpretation the Attorney General gives to those laws, not doubting, of course, from the equity and good faith of the government of the United States, that they will be interpreted in the same manner when the Mexican government attempts to purchase and export articles contraband of war from the ports of the United States, or over its frontier.

I do not pretend to ask that any law of this country be interpreted in favor of Mexico, to the detriment of the other belligerent, (the French government,) but I think it is reasonable to ask that no interpretation be adopted by which Mexico is placed in a situation inferior to that of her enemy.

As the Attorney General seems to consider me inconsistent in asking the revocation of an order prohibiting the exportation of arms across the frontier, and a few months afterwards asking the prohibition of the shipping of arms purchased, not by way of merchandise, but by agents of the usurper Maximilian, and on his account, "provided the facts were as they had been represented to me," I take the liberty to request you, if there be no objection, to communicate to him the explanations I make in this note.

I avail myself of this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 30, 1866.

MR. SECRETARY: Colonel Enrique A. Mejia, of the Mexican army, has written me from Galveston, Texas, as you will see from the copy of his communication which I have the honor to enclose to you, that, in the name of General Mariano Escobedo, chief of the army of the north, he requested a return of the arms, munitions, and artillery taken from the interventionists at Boca del Rio, (Bagdad,) and carried into United States territory by Colonel Adolfo de la Garza, where they were seized by the United States military authorities.

Colonel Mejia first applied to Colonel Brown, commander of the Rio Grande district, and learning that his orders were from General Wright, commander of the department of Texas, he went to Galveston to see that general, who told him that General Sheridan had ordered him to deliver the arms, munitions, and artillery in question to Tomas Mejia, chief of the interventionists, in Matamoras, which he had commanded to be done.

As I am ignorant of the motives for those orders, and cannot comprehend the reason for delivering munitions of war, taken by United States authorities from a republican general and his forces who had sought refuge in their territory, to an enemy of Mexico, I respectfully request your excellency to procure for me the information of the reasons of the order from the proper department, that I may make a proper communication for the interests of my government.

I embrace this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

MEXICAN REPUBLIC—COLONEL IN SERVICE.

As I informed you in my note of the 1st instant, when I requested Colonel Brown, commander of the Rio Grande district, to give me the arms, munitions, and artillery brought from Bagdad by Colonel Garza, he told me he had orders from General Wright, commander of the department of Texas, to give up nothing without his order.

Colonel Brown advised me to go to Galveston and see General Wright in person, as the best way to settle all the difficulties.

I went to Galveston, where General Wright informed me verbally that he had received orders from General Sheridan to deliver the arms, munitions, and artillery taken from Bagdad by our forces to General Tomas Mejia, chief of the traitors in Matamoras, and that the orders had been transmitted before my arrival in Galveston.

I was astonished at the proceeding, and, believing all protests useless, I determined to start for Washington in a few days to give you the particulars of the affair, as they are too numerous for the limits of a despatch.

Accept the assurances of my respectful consideration.
Independence and liberty! Galveston, March 6, 1866.

ENRIQUE A. MEJIA.

Citizen MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington.*

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 30, 1866.

MR. SECRETARY: I have the honor to enclose you the copy, in English, of a communication dated the 5th of February last, and sent to me from Brownsville

by Colonel Enrique A. Mejia, of the Mexican army. The original did not reach me. The duplicate, marked No. 1, I enclose to you with two other annexed documents, numbered 2 and 3.

In No. 1, and particularly in No. 2, a note addressed to General Weitzel, commanding on the Rio Grande, Colonel Mejia states that on the 14th of that month, as he was steaming down the river on the government despatch boat with Captain Conklyn, first provost marshal general of the district, and Mr. Price, of the secret service of the same district, he overhauled several lighters and small boats tied up to the Mexican side of the river, about six miles above Boca del Rio, (Bagdad,) and within the jurisdiction of his command. Having boarded and examined them in fulfilment of his duty, he found the sloop Helena among them loaded with goods, and without any custom-house papers, or even an invoice, for which reason he seized it, and took it to Boca del Rio, (Bagdad,) where it was duly condemned and the goods confiscated.

Colonel Mejia acted in this matter in conformity with his duty, which is shown by a translation of his appointment in No. 3.

The goods were transferred to American territory and were regularly entered at the Clarksville custom-house to the credit of the Mexican government, but were soon after sequestered by the military authorities of that place, Colonel Mejia states, and were to be delivered over to the original proprietors; and he complains of this proceeding, as the goods were legally confiscated by the Mexican authorities on Mexican territory, and this he can prove by Captain Conklyn and Mr. Price, who were witnesses to the facts.

Having no other testimony to this affair than the enclosed documents, I limit myself to a request to have it referred to the proper department, that the government of the United States may act upon it with due justice; and if the goods have been unjustly delivered to the merchants of Matamoras claiming them, their value may be restored to the agents of the Mexican government.

I embrace this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.—Duplicate.

MEXICAN REPUBLIC—COLONEL ON SPECIAL DUTY.

I have the honor of enclosing you a copy of the note which, under date of the 21st ultimo, I addressed to General Weitzel, referring to the cargo of the Helena. Said general has not answered, and the goods have been delivered to those who claimed them—the firm of Droege, Oetling & Co. Said goods were seized by order of General Weitzel, and remained by his order in military custody until they were delivered to Droege, Oetling & Co. The only thing that I could obtain was that the collector of the custom-house should take a bond from said firm of (\$60,000) sixty thousand dollars in gold, until the matter should be decided by the military authorities or the Treasury Department at Washington.

I cannot understand how said military authorities could take cognizance in matters beyond their jurisdiction, but the copy I enclose will explain the matter.

I have thought very strangely of this proceeding, as I do not believe there is any justice in said detention, which causes us great damage.

I beg you to give this matter the attention it deserves, and I avail myself of the opportunity to renew my respectful consideration.

Independence and liberty! Brownsville, February 5, 1866.

E. A. MEJIA.

Señor MATIAS ROMERO,

Envoy Extraordinary and Minister Plenipotentiary, &c., &c., Washington.

No. 2.

REPUBLIC OF MEXICO—COLONEL ON SPECIAL DUTY.

I would respectfully call your attention to the following facts: That on the 14th of this month I was steaming down the river on the government despatch boat; when about six

miles above Bagdad, we saw several luggers and lighters tied up on the Mexican side of the river, within the jurisdiction of my command, which, as you will see by the accompanying certified translation of my appointment, included not only Bagdad but its dependencies.

I boarded and examined said lighters and found the sloop *Helena* had a cargo of merchandise, without clearance or pass of any kind, and immediately seized her for violating the laws of revenue of the Mexican republic. The fact of finding said lighter without even the regular invoice of the owners of said merchandise was conclusive evidence as to the illegality of her presence out of port. I had her turned into the port of Bagdad, and appointed a commission to inquire into the case, and by said commission the goods were legally condemned and confiscated. Said merchandise was brought over to this side as belonging to the government. I have the honor to represent, regularly entered with all necessary papers in order, and were seized by the military authorities and by them held. I have since been informed that the goods were going to be released on claim of the former owners, residents of Matamoras.

I would respectfully represent that the facts of the case occurred beyond the jurisdiction of the United States; that the seizure was in accordance to our laws; and that I request that said goods be held until the action of the United States government can be obtained, for which purpose I remit the proper papers to Washington by first mail.

I would further state that there were in the despatch boat with me Captain Conklyn and Mr. Price; the first, provost marshal general of the district, and the second, of the secret service, who saw the whole facts of the capture, and can testify to the facts being as represented.

I beg your earnest attention to the above, and that said goods being seized in the first instance by the troops under your command, that they continue so to be held until the matter can be laid before your Secretary of State by our minister at Washington.

I avail myself of the opportunity of repeating to you the assurances of my highest respect. Independence and liberty! January 21, 1866.

E. A. MEJIA.

Major General J. WEITZEL,
Commanding District of Rio Grande, Brownsville.

No. 3.

REPUBLIC OF MEXICO—ARMY CORPS OF THE NORTH—GENERAL-IN-CHIEF.

Being compelled to march to the centre of the line for urgent matters of service, I have deemed it best to appoint you military commandant of this port and its dependencies, and this in a vigorous state of siege, with ample powers for its defence, in all matters including those of finances. You will increase your forces by all possible means, acting in everything with fullest powers (*omnimodas*) and subject only to my instructions and orders.

Independence and liberty! Bagdad, January 8, 1866.

M. ESCOBEDO.

Colonel ENRIQUE A. MEJIA,
Military Commandant of Bagdad and its dependencies.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, March 31, 1866.

MR. SECRETARY: I have the honor to enclose to you the copy in English of a communication addressed to me by Colonel Enrique A. Mejia, of the Mexican army, dated the 4th of February last, with annexed documents numbered from two to six, and two others in Spanish, numbered seven and eight—sent to me subsequently by the same colonel, all relating to certain merchandise confiscated at Boca del Rio, (Bagdad,) by order of General Mariano Escobedo, because it appeared, by testimony of the person who had charge of them, that they belonged to the pretended government of the interventionists.

Hoping that the proceedings in this matter will be conducted with that justice which may be expected from the government of the United States, I

enclose you these documents, requesting you to refer them to the proper department, that the affair may be considered with a full knowledge of the facts.

I avail myself of this opportunity to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

REPUBLIC OF MEXICO—COLONEL ON OFFICIAL DUTY.

I enclose you copies of the correspondence which passed between the undersigned and the American authorities, referring to the goods confiscated by General Escobedo during his occupancy of Bagdad. By them you will perceive that disregarding their want of jurisdiction in the matter, they detain said goods, and even recommend they be returned to those who claim them. Said goods were the property of the traitors, and General Escobedo, on confiscating them, only fulfilled his duty. I entered them, by order of General Escobedo, in the custom-house of Clarksville, and gave bond for twice the amount of their value. I hope that you will deem it proper, as they are national property, to take the necessary steps, so that said articles may be returned to us. I offer you the assurance of my respectful consideration.

Independence and liberty! February 4, 1866.

E. A. MEJIA.

Señor DON MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic at Washington City, D. C.*

No. 2.

REPUBLIC OF MEXICO—COLONEL ON SPECIAL DUTY.

In answer to the query of January 23, respecting certain goods claimed by Elosequé and Mayoral, of Matamoras, I beg to inform you that the general-in-chief of the army corps of the north seized a certain amount of goods as property of the enemy, and also because the regular tax on said parties was not paid as assessed, and directed me to cross them over to Clarksville and dispose of them as I thought best. I enclose list of the articles seized, which were shipped to Mr. A. A. McLeffey, subject to the order of the undersigned. Any other goods not enumerated in the accompanying list have been fraudulently obtained, and I shall be glad if they be returned to the proper owners.

Independence and liberty! February 24, 1866.

E. A. MEJIA.

Major General WEITZEL,
Commanding District of Rio Grande.

No. 3.

REPUBLIC OF MEXICO—COLONEL ON SPECIAL DUTY.

List of articles seized by order of General Mariano Escobedo.

504 pounds of thread, 20 gross knives and forks, 1,200 yards hickory stripe, 75 reams of paper, 6 dozen umbrellas, (ladies,) 6 packages tin, 5 dozen axes, 14 boxes claret, 31 boxes tea, damaged.

Independence and liberty! January 24, 1866.

E. A. MEJIA.

No. 4.

HEADQUARTERS DISTRICT OF THE RIO GRANDE,
OFFICE OF THE PROVOST MARSHAL GENERAL,
Brownsville, Texas, January 24, 1866.

SIR: I have the honor to enclose herewith the application of Elosequi and Mayoral, marked exhibit A, for the return of certain merchandise supposed to be at Clarksville and Brazos de Santiago.

I also enclose the official statement of Colonel E. A. Mejia, marked exhibit B, showing what portion of those goods were confiscated by the liberal government.

The major general commanding directs that the merchandise contained in exhibit A, and not included in exhibit B, be at once returned to the proper owners thereof, and that the merchandise called for in exhibit B be stored in some convenient place and safely guarded, to abide instructions from department headquarters.

Should any of these goods have been removed from Clarksville, you will immediately furnish the commanding officer where they may be deposited with these instructions, in order that they may be carried out strictly.

All acts done pursuant to these instructions will be reported to this office without delay.

I am, very respectfully, your obedient servant,

JOHN S. CONKLYN,
Capt. and Act. Prov. Marshal General, District of the Rio Grande.

No. 5.

Exhibit A.

BAGDAD, MEXICO, January 20, 1866.

During the recent troubles arising from the capture of this city, certain unknown parties have forcibly entered our warehouse and taken away the following articles, viz :

P. H. Thirty-three (33) chests of tea.

Y. D. Ninety (90) boxes of claret.

F. & C. Twelve (12) boxes of claret.

[SS.] One (1) case of claret.

(5.) One (1) case of claret.

L. D. Two (2) cases of paper.

L. D. One (1) case knives and forks.

L. D. One (1) case umbrellas.

L. D. Twenty-four (24) boxes of axes.

L. D. Twenty-five (25) boxes tin cases.

We have ascertained that the tea and part of the other merchandise above mentioned lie presently at Clarksville, and some at the custom-house landing, and some deposited at Mr. McGoffey, the sutler general. There also lie presently at Clarksville one or two lighters, namely, the schooner Matamoras and lugger Rio, which have been forcibly taken away from our own landing here. We therefore respectfully request that the case be investigated, and some arrangement made by which said property be returned to us. Hoping to be soon favored with an answer, we remain, colonel,

Your obedient servants,

ELOSEQUI & MAYORAL,
By JOHN FALLS.

Colonel FRANK J. WHITE,
Commanding United States Forces at Bagdad.

No. 6.

HEADQUARTERS DEPARTMENT OF TEXAS,
Brownsville, January 22, 1866.

COLONEL: I have the honor to acknowledge the receipt of your communication of this date, in reference to a quantity of goods held in military custody, under orders from Major General Weitzel, but which are claimed by you as belonging to the Mexican government, of which you are the agent.

It appears from other papers in the case that the goods are claimed by other parties as their lawful property, who have asked that they be held until the question of title can be decided, and this question is one to which the United States is not a party. The military authorities are not empowered to act. Your remedy, therefore, must be found in the civil courts, or the action of the authorities at Washington, to the latter of which your communication and such other papers as I have in relation to the subject will be promptly referred.

Very respectfully, your obedient servant,

H. E. WRIGHT,
Major General Commanding.

Colonel ENRIQUE A. MEJIA,
Brownsville, Texas.

No. 7.

To the military commander of Bagdad and its dependencies :

Please let me know if you authorized any one to take private property in my name.
Independence and liberty! Bagdad, January 16, 1866.

ENRIQUE A. MEJIA.

Lieut. Col. EDUARDO DU MAY.

No. 8.

BAGDAD, January 16, 1866.

COLONEL: I have the honor to acknowledge your communication of to-day, and in reply I must say, that while I acted as commander of this place, General Escobedo ordered me to visit the various mercantile establishments and collect a forced loan for the aid of the forces stationed here.

In obedience to this order, I visited various establishments of this city, and among others that of Mr. Mayoral, whom I did not see, but I met a French lady who said she was the wife of the manager of the establishment, and I communicated my order to her. She answered that as Mr. Mayoral was not present, she could do nothing in regard to the loan; but there were some goods in the store, belonging to the so-called imperial government, (and she pointed them out,) which I could take. I made this known to General Escobedo, and he ordered me to confiscate the goods, put them on board a sloop, and send them across the river. I communicated the order to one of my adjutants, who went to the store, seized the goods, and put them aboard a schooner lying at the landing, and left them there till further orders. The next day the vessel was taken to the other side of the river.

And this is all I know of the affair.

I renew the protests of my respectful consideration.

EDUARDO DU MAY.

Colonel MEJIA,

*Military Commander of Bagdad and its dependencies.**Señor Romero to Mr. Seward.*

[Translation.]

WASHINGTON, April 2, 1866.

MY DEAR SIR: I have the honor to enclose you an extract, in English, from a letter which I received from Paris to-day, dated the 19th of March last, in which I am informed that three thousand two hundred men, and among them four hundred hussars, left Algiers, Brest, and Cherbourg, recently for Mexico.

I am, sir, very respectfully, your very obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

PARIS, March 19, 1866.

MY DEAR FRIEND:

The principal object of these lines is to let you know that three thousand two hundred men left here a week ago for Vera Cruz with the greatest secrecy. Among them are four hundred hussars of Algiers, Brest, and Cherbourg. The press has not mentioned anything about it, nor do they dare to speak at all about the Mexican question, because they have been warned not to do so.

The disagreement between Congress and President Johnson is regarded here with almost open joy, and it is very likely strong efforts will be made to increase the same if it can be done by any act of France.

A telegraphic dispatch from Vienna published here day before yesterday informs us that an agreement has been concluded with Maximilian for the purpose of sending him two thousand Austrians to fill up the losses of the Austrian contingent in Mexico. The necessary expenses will of course be defrayed by the French government.

Senor Don MATIAS ROMERO.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA.

Washington, April 8, 1866.

MR. SECRETARY: I have the honor to enclose you a copy of No. 11 of the official paper of the government of the Mexican republic, published on the 8th of May last, at the town of El Paso del Norte, containing a circular of the governor and military commander of the State of Sonora, dated the 30th of December last, reporting a victory gained the day before, by the forces of the republic over a party of interventionists; also, a communication from the said governor to the minister of war, containing the report of General Angel Martinez on his Alamos expedition, in which he dispersed the force of the interventionist Almada; and lastly, the answer of the minister of war, General Ignacio Mejia.

I accept the opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From No. 11 of the official paper of the constitutional government of the Mexican republic, Paso del Norte, March 8, 1866.—Translation.]

Circular from the government and military commandancy of the State of Sonora.

"More than four hundred traitors, under Santiago Campillo, jr., and F. Barcelo, attacked this place at one yesterday, and after one hour's contest, were completely routed and pursued for three leagues by the reserves of the brave commander, Juan G. Escalante.

"The result of the battle was, two killed on our side, Jesus Madueña and Reyes Vega, of the first battalion, and four wounded, among whom was Surgeon Eugene S. Wakefield. The enemy lost thirty killed, eleven wounded, and fifty-one prisoners. We took one hundred muskets with ball cartridges, and twenty-odd saddled horses. Many of those forced to fill the enemy's ranks are deserting and coming to our quarters.

"The conduct of our soldiers is worthy of the greatest eulogy. Both officers and soldiers behaved with the greatest gallantry; they all did their duty, and all they ask is to be led where they can be most useful."

I communicate this to you that you may make it known to the inhabitants of your district. Independence and liberty! Matape, December 30, 1865.

J. GARCIA MORALES.

THOMAS G. PICO, *First Officer.*

The MILITARY COMMANDANT of the district of ———.

No. 2.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SONORA.

I have the honor to enclose you a copy of the official report and private letter received yesterday from General Angel Martinez, giving an account of his victory over the traitors in the district of Alamos.

In reply to the general, I inform him that there are no other traitor bands in the State except those of Salvador Vazquez and Refugio Canori, from two to three hundred men each—one in the district of Arizipe, the other in Magdalena, both now quiet. I will soon communicate with the general, and recommence operations.

Please communicate this to the President, and congratulate him for me on account of the glorious victories due to the valor of General Martinez.

Independence and liberty! Camp in Noria, February 1, 1866.

J. GARCIA MORALES.

D. ELIAL, *Acting Secretary.*

The MINISTER OF WAR, Paso del Norte.

No. 3.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SONORA—REPUBLICAN ARMY, BRIGADE OF OPERATIONS—UNITED SECTIONS—GENERAL-IN-CHIEF.

I left Toro on the third for this city, determined to offer battle to the traitor José M. T. Almada. I passed the night at Venda. At midnight I sent out a band of scouts, under Cipriano Pardo, to reconnoitre the enemy's advance in Carrizal, which I expected to reach on the fourth. On that night I sent all the cavalry under Colonel Ascencion Correa, through by-roads, to surprise the enemy at Salitral, while I advanced with the infantry, on the main road, to aid him if necessary. The enemy was surprised, and a courier of Almada was captured. He had despatches advising the commander at Salitral to attack the enemy as soon as his re-enforcements should arrive.

On the main road near Salitral I met an advance of the enemy and took one prisoner; this was about day-break; I then sent for the cavalry to join me.

I heard that Almada was about to move, so I hastened on and gained the heights of Cuchujaqui, a strong point for the enemy if they had got it. As the enemy did not appear, I continued to advance, meeting no opposition but a small cavalry force that was soon put to flight and pursued by Ensign Felipe Valle, with only twenty men, as far as the edge of this city.

We rested three hours at Mercedes, and camped that night at San Antonio de los Norotes.

On the 6th the enemy opened fire on my advance. I instantly changed my position and marched to Carboneras heights, where I waited for the attack. I sent out Cipriano Pardo with scouts; they reported that the enemy was in this city. I then began to advance and fell into ambush, but escaped without hurt.

At two o'clock on the morning of the 7th I marched round the hill to get in the rear of the enemy; this I accomplished before daylight, and had to wait some hours before it was light enough to begin the attack. The enemy then perceiving us, sent out 150 sharpshooters to annoy our flank. They were soon driven back.

I advanced with the squadron of lancers and the Hidalgo battalion, sending the latter under Colonel Correa to flank the enemy, while the cavalry was to be reserved to pursue the enemy if they attempted to escape without fight. Thus arranged the battle began. The lancers made the first attack, and their impetuosity decided the day. When I rode towards the infantry Commander Pardo informed me that Almada had taken to flight, protected by a small guard which I noticed in the distance. I started after him at such a rapid pace that the cavalry of tired horses could not keep up with me, and I suddenly found myself in front of nine men. I drew my pistol and shot Antonio Anselmo, brother of the traitor Almada, and second in command, while the others ran away, leaving their horses and arms. My horse was wounded by two shots.

This battle finishes the traitors in the district of Alamos. We took five pieces of artillery, (three bronze and two iron,) 216 muskets, and other munitions of war.

The enemy's loss was about 180 of all ranks. The list of our killed you will find annexed hereto.

I communicate this for your information, congratulating you on a victory that will tend to restore peace to the weary country.

Independence and liberty! Alamos, January 10, 1866.

ANGEL MARTINEZ.

JESUS G. MORALES,

General-in-chief of the forces in Sonora, (wherever he may be.)

HEADQUARTERS AT NORIA, February 1, 1866.

A true copy:

ELIAL, *Secretary.*

No. 4.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

Your despatch of the 1st ultimo, with the official report and private letter of General Angel Martinez, has been received. It gives an account of the battle of Alamos and the dispersion of the traitors in that district under Almada.

The President of the republic is pleased to hear of the gallant conduct of the Martinez brigade and the well-arranged plans of its commander to perfect the entire pacification of the State which he has mentioned.

I communicate this to you by order of the President, who desires you to inform General Martinez how much his conduct is appreciated.

Independence and liberty! Paso del Norte, March 6, 1866.

MEJIA.

General JESUS GARCIA MORALES,
At Noria, (or wherever he may be.)

PASO DEL NORTE, March 6, 1866.

True copies:

MARIANO DIAZ, Chief Officer.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, April 8, 1866.

MR. SECRETARY: For the information of the government of the United States, I have the honor to enclose you No. 11 of the official paper of the government of the republic of Mexico, published at the town of Paso del Norte, on the 8th day of May last, containing the official report made by the governor and military commander of the State of Coahuila to the minister of war, in relation to victories gained over the interventionists at San Juan de Guadalupe and the hacienda of San Carlos, State of Durango, by the forces of the republic, together with the reply of General Ignacio Mejia, minister of war.

I avail myself of the opportunity to protest to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From the official paper of the Mexican government, El Paso Del Norte, March 8, 1867.—
Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

The success of our arms at San Carlos and San Juan de Guadalupe, and the flattering prospect in the district of Parras, caused this government to attract the enemy's attention by sending to Monterey for Colonel Geronimo Trevino's forces, and proposing an attack on Saltillo or the city of Monterey itself. As the plan seemed plausible, an attack on Saltillo was fixed for the 15th instant. When the two hundred men were ready, (all we could arm in that quarter,) a despatch was received from the alcalde of Cuatro Ciénegas, informing us of the arrival there of Colonel Jesus Gonzales Herrera from Parras, with three hundred men, having been driven out by Brincourt in force, aided by other imperialists under Francisco, Trevino, and Maximo Campos. Of course this delayed our proposed expedition.

Not many days had passed before we heard from that quarter. Mention was made of the burning of Matamoras and Soledad, in that district, and of many houses of good patriots in Viesca; we heard of the murder of more than fifty innocent and unarmed persons, among them two men over eighty years of age, and a child of twelve. It was also said that Brincourt's division had gone back to Dmango, and left only three hundred French in Viesca.

As Colonel Gonzales had three hundred men with him, and could soon collect those dispersed by the French; and as the troops of Jeanningros were scattered at Parras, Saltillo, Rinconada, and Santa Catarina, and there were only six hundred of the enemy in Monterey, we determined to attack that town. On the 3d instant six hundred men were sent to Bajan, to act in concert with Colonel Trevino and Francisco Naranjo, with all probability of success.

I cannot omit to mention in this place, Mr. Minister, the honorable conduct of the people of this frontier. Considering the precarious situation to which they have been reduced by this foreign war, they have performed wonders; supplies have been furnished abundantly to our troops; clothing, horses, and arms to the forces of Laguna; and \$9,000 to equip troops

for Colonel Naranjo. Besides this they equipped 300 for Victoriano Zepeda, and furnished powder and other munitions to some forces in the State of New Leon.

Now the commander-in-chief will have the pleasure of starting on his expedition with men well clothed and well provided, and by the uninvited efforts of private citizens, prompted solely by feelings of patriotism and the desire to see foreigners driven from the land they have desecrated.

I must also inform you of the lucky escape of Commander Victor Berlanga from an ambuscade laid for him by the French in the State of Durango, with the loss of only a few provisions.

I will give you the particulars of the last fight as soon as they reach me.

I have the honor to inform you of this, that it may be communicated to the supreme chief of the republic.

Independence and liberty! San Buenaventura, January 29, 1866.

A. S. VIEZCA.

EDUARDO MUSQUIZ,
Secretary pro tempore.

The MINISTER OF WAR, Chihuahua.

No. 2.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The citizen President of the republic has considered your communication of the 29th January, stating the plans for a new campaign, and the generous aid contributed by the people of the State, and is much pleased at such proofs of patriotism. He orders me to thank you and the citizens who have aided to fit out the expedition. He is indignant at the barbarous conduct of the French troops, who came to burn the houses of Laguna, because they were whipped at San Juan de Guadalupe and San Carlos, and General Brincourt came all the way from Durango to murder two old men and a child. Such deeds are evidence of the evils of intervention: and these sanguinary and inhuman practices the French make use of to terrify the people will certainly be avenged.

Independence and liberty! Paso del Norte, March 6, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER
of the State of Coahuila de Zaragoza, (wherever he may be.)

PASO DEL NORTE, March 6, 1866.

True copies:

MARIANO DIAZ, *Chief Clerk.*

No. 3.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

Colonel Jesus Gonzales Herrera informed me in a despatch of the 22d ultimo, from San Fernando, State of Durango, that about the middle of the month he marched on Parras, with one thousand men, aided by Colonel Juan Vega, with all the men he could raise in the district: on the way he received an insulting challenge from the French officer in San Juan de Guadalupe, so he determined to attack that place first. He ordered Colonel Dario Lopez Orduno forward with a section of his troops, and he began the assault with his usual impetuosity. But a mortal wound soon disabled him, and he was brought from the field in a dying condition. Victor Berlanga succeeded him in command, and soon gained a complete victory. The enemy left seventy killed and many wounded and prisoners. Three men who were placed over the city to govern it were shot by our forces. We next moved on to San Carlos, in the same State, where there were 300 French and a number of traitors. The attack was made, and the enemy fled, leaving sixteen killed, fifteen wounded and five prisoners. We also shot eighteen fine horses. Though the soldiers were very tired, they pursued the enemy for several leagues. Colonel Herrera adds that he is now collecting his forces to move on Parras, which place he hopes to occupy in a very short time.

It affords me much pleasure to communicate to you these favorable feats of arms for the information of the President. I will make honorable mention of the men who distinguished themselves as soon as I get the particulars of the engagement.

Liberty and reform! Monclova, January 1, 1866.

A. S. VIEZCA.

EDUARDO MUZQUIZ,
Secretary pro tem., Chihuahua.

No. 4.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

Your report of the 1st January of the victories at San Juan de Guadalupe and San Carlos, in the State of Durango, by Colonel Jesus G. Herrera, has been made known to the President of the republic, and he orders me to say to you that he is satisfied with the important results of those operations, and the gallant conduct of the chiefs and men engaged in them.

I have the honor to communicate this to you for your information and the gratification of all interested.

Independence and liberty! Paso del Norte, March 6, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER
of the State of Coahuila de Zaragoza, (wherever he may be.)

PASO DEL NORTE, March 6, 1866.

True copies:

MARIANO DIAZ, Chief Clerk.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 14, 1866.

Mr. SECRETARY: I have the honor to transmit you a copy of a letter of the 5th of March last, from the city of Mexico, lately received in this country, giving an impartial account of recent events in that city. I also enclose an article, in English, from *La Sombra*, a paper published in the city of Mexico, showing, from data published in the interventionist papers, that there has been almost a battle between the Mexicans and French who are trying to conquer the country almost every day since the arrival of the usurper, Ferdinand Maximilian of Hapsburg, in Mexico.

Together with the above I send an extraordinary document, just published in the city of Mexico, showing that the usurper has made an agreement with the family of Augustin Iturbide that they shall leave Mexico forever, for pecuniary considerations; and that a son of Don Angel de Iturbide shall be separated from his parents, and Ferdinand Maximilian shall be his curator. All the efforts of the distressed mother to regain her child have hitherto been fruitless.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

MEXICO, March 5, 1866.

I have waited till the last hour, so as to give you the true situation of this empire and its future prospects.

I will be as brief as possible, but I will not confine myself to the doubts and conjectures in regard to the absolute and relative position of Maximilian, the French, and the Mexicans implicated in the intervention, for opinions were divided here as soon as Napoleon's speech on the Mexican question was known. Some said the speech of the Crown, in regard to this country, was a repetition of the vague promises with which the Emperor had entertained his people, who were anxious for the return of the expeditionary army; while others interpreted its words to signify a speedy withdrawal. Some thought Maximilian would retire from the country with the baggage of the French army; others believed he would stay in Mexico, supported by the faction that put him into power, and virtually sustained by France, and

both cited authorities to sustain their opinions. Some referred to the activity of the invading army, that seemed to be making no preparations to retire, but was daily receiving re-enforcements to fill vacancies in different corps; others noticed the concentration of the interventionists and the indiscretion of some chiefs, who said they were to return to France before long. As to Maximilian, what is said about his going or remaining is to depend on his visit to Cuernavaca, or his confidence in continuing the works at Chapultepec and Palacio, and the various preparations that are made for the industrial expedition which is to take place in a few months. The pendulum has not ceased to vibrate, but yesterday something happened to give a new phase to the empire created by intervention. It was said that Baron Saillard was sent here by Napoleon to make preparatory arrangements for the speedy withdrawal of the French troops from Mexico. He remained but a few days, and after his return to France certain events transpired here, inducing us to believe that such was his business here. Ever since Maximilian arrived in Mexico, the little rest that adulators at Chapultepec have given him, and the small time he has had to spare from the devotions of lent, very pompous at the palace, he has employed in reorganizing the cabinet and in making many personal changes in his administration, denoting a formal change of policy. This change is hardly to be seen in the character of officials appointed, for in selecting them he has chosen men submissive to foreign policy. But that is not all, and here are echoes of indiscreet whispers from the palace: The French will leave sooner or later, but France will not give up the firm hold she has of Mexico at such a sacrifice. Maximilian will remain, protected by Napoleon and the great interventionist party that will be organized and armed before the French leave. It is evident the pure liberals will not easily assimilate with the empire. The seducing recruiting policy has shown this. It will then be necessary to face about until the refractory are conciliated. The policy of toleration yields no fruit; some other must be substituted. Maximilian must bring about a reaction more powerful than the one which sustained Santa Anna and Miramon, and he must have the moral support of France, and perhaps of all Europe. The tariff must be reformed, and his revenue schemes must be more strictly enforced. In fact, this policy has already been commenced by the following measures: A censor of the press has been appointed, with instructions to suppress the scandal caused by the liberal papers in discussing the present order of things. This office is given to Licenciado Hidalgo y Teran, an individual who made his fortune, as you know, under the patronage of Sagaceta, and nursed by the ecclesiastical court.

The independent press will receive some hard blows before this week is gone. The departments have been reduced to four; and when Ramirez, Peza, and Esteva go out, Salazar Ilarregui will come in as minister of government, and Sonera as minister of the interior. Those going out will be paid with crosses or foreign missions. Escudero is watching his famous law of public administration, and Castillo, who stooped to be the agent of Napoleon, continues in the department of foreign relations. Other changes in the administration amount to nineteen up to this time. General Mendoza has resigned his place as political prefect of the valley of Mexico. To tell the truth, Maximilian makes these changes reluctantly, and only does so to oblige his patrons who forced him into the way; they now force him to quit. Maximilian has French agents in his household who are also partisans of this reaction. They try to frighten him with resolutions passed in the Congress of the United States, and Mr. Seward's notes. Such are the facts. Now we must discover their origin and their importance. Does Napoleon really believe that the interventionist party can sustain the throne it has set up in Mexico? or is he only keeping it up till he can get his forces out of the country? If the reactionary elements be organized and supported by aid from France, can they prevent the restoration of national power? These are questions that you can answer, perhaps, better than we. As you are better acquainted with the acts of diplomacy you may be able to interpret Napoleon's speech, and tell us whether the intervention will be sustained or not, openly or covertly, by European powers. Fortune continues adverse to intervention, and has lately increased the embarrassment of the empire by two very important events. Mr. Langlais, the financial savior of the empire, suddenly died. His great plans for collecting the revenue from the seaports had just begun to be put into operation. For all they say that Mr. Mantenon, the present secretary of the treasury, has carried out his predecessor's plans, no one denies that his death is very embarrassing to the government. He had complete knowledge of affairs, and full power to act in every emergency. His labor was to solve the question of resources, which you know is the critical question for intervention. In this particular things have come to such a pass that they say the confiscated property, not yet secured to the state, is to be made use of; and they say the desperate idea has been postponed from Maximilian's repugnance to make use of it. The other event I alluded to is the defeat of Mendez, the imperial chief in Michoacan. The malcontents, so often scattered and annihilated, collected four thousand men, and made a stand in the plain of Uruapan. Mendez, the assassin of Artega and Salazar, tried to avoid battle, but was surrounded by two columns of cavalry, and, to save his life, had to leave his soldiers, his artillery, and even his baggage on the field. The moral effect of this occurrence was terrible in Mexico and in Morelia. All the forces remaining in Michoacan were concentrated in the latter city for fear of an attack, and the Mexican press, after a timid silence, published the news with the customary palliations. But as the imperialist chief permitted himself to get whipped just as the English packet was going out, it was necessary to invent a falsehood, and it was

accordingly reported there had been no disaster; only a scare had been felt in Michoacan, and Mendez had gained a victory and taken many prisoners. Some of the papers, however, added that the victory had been purchased very dearly, the imperial forces were much weakened, and re-enforcements were immediately needed in Michoacan. Re-enforcements were actually sent, but Mendez was recalled on account of the untruthfulness of his reports to Marshal Bazaine. It seems he had captured three hundred patriots after his defeat, and called it a victory.

Recent news from New Leon and Coahuila say the insurrection is entirely suppressed in those States. The situation of the imperial troops in Tamaulipas is very critical. Tampico is in continual alarm. The small garrison of that port is acting on the defensive. The liberals are organizing and increasing under General Garza, who has his headquarters in Victoria.

Mazatlan is in a more desperate situation than Tampico. Coronas's forces have lately been very near the town, contemplating an assault. The State of Tlascala is already within the insurrectionary zone. A force of three hundred men lately surprised the small garrison of the capital and took Ormachea, the military commander, prisoner. The alarm consequent upon this event reached Puebla, only seven leagues from Tlascala.

If the pacification of the country goes on in that manner, how long will it be before a few traitors and a handful of mercenary Austrians will be enough to defend the empire?

No. 2.

Secret treaty made between his majesty and the son of the liberator, D. Augustin Iturbide.

His majesty the emperor, wishing to honor the memory of the liberator, D. Augustin Iturbide, in consequence of the first right he had to the gratitude of the nation, and his sons desiring to further the noble object of his majesty, by the order of the emperor the minister of foreign affairs, M. F. Ramirez, and charged with the ministry of state, and Mr. Augustin, Mr. Angel, and Mr. Cosme, and Miss Josephine Iturbide, arranged together the following;

1. His majesty will give a high position to the two grandsons of the Emperor, D. Augustin y D. Salvador, as well as to his daughter, Doña Josephine Iturbide.

2. Their majesties will provide the means for the education of the grandsons of the Emperor Augustin, suited to their rank, as well as also their maintenance, and that of Doña Josephine Iturbide.

3. As a mark of special protection, his majesty wishes to constitute himself their tutor and guardian, and to name Doña Josephine co-tutrix.

4. D. Augustin, Angel, and Augustin Cosme Iturbide promise in their names, as well as in the name of Doña Sabina and their legitimate descendants, never to return to the empire without previous authorization from the sovereign or the regency.

5. The government of his majesty would pay from the treasury of the state to D. Augustin, Angel, Augustin Cosme, Doña Josephine, and Doña Sabina Iturbide, the sum of \$30,000 down, and \$120,000 in drafts on Paris, payable, \$60,000 the 15th of December of the present year, and \$60,000 the 15th of February, 1866—making a total of \$150,000 on account of what is due them by the nation.

6. The government assures and is responsible for the accounts of the family of the liberator, Iturbide.

7. The government of his majesty will give proper orders to secure all pensions to D. Augustin, Angel, Augustin Cosme, Doña Josephine, and Doña Sabina Iturbide, which they now enjoy. These pensions will be paid punctually and without discount at their place of residence, or the nearest place to it having commercial relations with Mexico.

8. The government of his majesty concedes to D. Augustin, Angel, Augustin Cosme, and Doña Sabina Iturbide an income of \$6,000 to the first, \$5,100 to the second—that income going to the wife of D. Angel in case of his death—and \$1,524 to the two others. Orders will be given for the prompt payment of these sums, and in accordance with the preceding article fixing the pensions.

In faith of which the present treaty has been signed in duplicate at the imperial residence of Chapultepec, the 9th of September, 1865.

By order of his imperial majesty :

JOSE F. RAMIREZ,
Minister of Foreign Affairs, charged with the Ministry of State.
ANGEL DE ITURBIDE.
JOSEFA DE ITURBIDE.
A. DE ITURBIDE.
AUGUS. C. DE ITURBIDE.
ALICIA G. DE ITURBIDE.

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, *April 15, 1866.*

MY DEAR SIR : I have the honor to send you a copy, in English, of a letter from one of the principal commercial houses in Vera Cruz, dated the 31st of May last, showing how arbitrarily the French intervention treat the merchants of good faith in that port, imposing unjust taxes upon them, which will certainly ruin many of them.

This is only one of the examples of the pretended blessings brought on Mexico by French intervention, blessings that weigh heavily upon those who have the misfortune to live in a country with such a government.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, *&c., &c., &c.*

[Enclosure.]

VERA CRUZ, *March 31, 1866.*

For some time a very serious question has been pending between the commercial houses of this city engaged in the foreign trade and the government of Maximilian. By the decree of the latter of the 10th of February ultimo, an additional duty of thirty per cent. was added to the tariff then in force. The commerce of this port claimed, and with reason, that this could not apply to merchandise in store which had been imported months, and some of it even years, before the publication of the decree; that the very fact that such merchandise was on hand and had been kept so long was a proof that it was in little demand, and would probably have to be sold at a loss, and that now to force it to pay an additional duty, not contemplated or known at the time of its importation, would be to involve in ruin many of the merchants, and to expose them to losses as unjust as injurious.

It was also urged that such a measure was in violation of the organic law of the empire, which established the principle that no law ever should have retroactive force.

For these reasons the question has been a very grave one between the commercial houses and M. Rollan, (a French subject,) the director of the custom-house of the Gulf. But Maximilian, at the petition of the latter, and overriding the express provisions of the organic law, has ordered not only that the merchants must pay this additional percentage of duty upon their effects now on hand and previously imported, but that if they do not deliver a full account of all merchandise on hand within the term of three days, they shall be obliged to pay sixty per cent. additional duty in place of the thirty per cent. fixed by the decree of the 10th of February.

It therefore follows that not only are dispositions established that are contrary to all the principles of justice recognized throughout the world, but suddenly and on the moment there are established, and even in cases of doubtful interpretation, new systems of penalties, under an arbitrary legislation heretofore unknown.

These are entirely new occurrences for this country, and have caused a profound sensation throughout the commercial community. The tariff has been suddenly raised or lowered before, and merchants have been exposed sometimes to serious losses, and at other times have gained upon their stocks on hand. They have never been before exposed, in addition, to *retroactive* laws and the imposition of penalties as new and unexampled as they are arbitrary and unjust. What, however, makes this case more remarkable is, that it is a matter of public notoriety that not only the minister of treasury, but Maximilian also, recognize and admit the justice of the position taken by the commercial houses of this port, the principal of this country, and pronounce the measure an iniquitous one; but their fear of Napoleon is such that they are unwilling to go contrary to any measure decided upon by M. Laglais, the financial agent whom he sent here, and who has proceeded as if he were directing a department in France.

The principle, however, that this action has established is a most dangerous one, and has thrown commercial affairs here into the greatest uncertainty. No merchant now knows what to calculate upon or what to expect, and the belief is that this measure is only the beginning of a course of similar exactions designed to meet the extraordinary necessities caused by the pecuniary embarrassments of Maximilian's government. The ordinary revenue from all sources is not sufficient to meet even the half the present expenditures, and the fear is that, as a matter of necessity, resort will be had to every possible means of extorting funds

wherever they can be found. As the only class that has available means is the commercial community, it follows that upon this class these exactions are likely almost exclusively to fall. How it will be possible to continue importations under these circumstances it is not easy to see.

The English minister, it is said, has already interfered in the matter, but there is little hope of anything being done so long as the pecuniary necessities of the situation are so great, and the French continue to treat this country as the Spaniards did, only as a place to take dollars from, and at the cost of whatever sacrifice of its present commerce or future interest.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,

Washington, April 18, 1866.

SIR: I have had the honor to receive your communication of the 25th ultimo, in reply to mine of the previous day, enclosing to you the opinion of the Attorney General of the United States with reference to the exportation of five thousand muskets purchased and shipped in the steamer Manhattan for Vera Cruz, by the agents of Maximilian, and which exportation you desired should be prohibited.

The opinion of the Attorney General, already communicated to you, precludes the necessity of any extended remarks on my part upon this subject, except to assure you that no law of the United States will be so interpreted as to place Mexico in a position inferior to that of her enemy.

I beg also to inform you that, in compliance with your request, a copy of your note of the 25th March has been communicated to the Attorney General.

I avail myself of this occasion to renew to you, sir, the assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c., &c., &c.

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,

Washington, April 22, 1866.

SIR: I have the honor to acknowledge the receipt of your three notes, two of which are dated on the 30th and one on the 31st ultimo, referring to the seizure of certain arms and munitions of war and to the sequestration of certain merchandise, said to belong to the liberal government of Mexico, by right of capture and confiscation.

In reply, I have the honor to inform you that, in compliance with your request, translations of the aforesaid notes and the enclosures accompanying them have been referred to the Secretary of War, a copy of whose answer I have the honor to transmit to you.

So soon as the reports of Generals Sheridan and Weitzel are received at this department, copies of them will be communicated to you.

I avail myself of this occasion to renew to you, sir, the assurances of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor MATIAS ROMERO, &c. &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 24, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, a copy of a letter from General N. Regules, chief of the army of the centre, dated March 7th, in Uruapam, and addressed to the President of the United States of Mexico, showing the state of affairs in the line of his command, and giving some details in relation to his last important victory over the interventionists at Magdalen Heights, in the State of Michoacan.

I am pleased to have this opportunity to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

URUAPAM, March 7, 1866.

SIR: By virtue of instructions from the government, through its commissioner, Don Pablo Haro, I was appointed chief of the republican army of the centre on the 27th day of last February. Feeling myself unqualified to fill the position in which I had been placed, without deserving it, I accepted it only to do my duty to the supreme government.

My first efforts will be to organize forces and regulate taxes, believing these to be my most important duties at first, because the want of arms is general in the State, and, in fact, all munitions of war are scarce. I believe the task will be hard, but I am determined to begin with the towns in Guanajuato, and in the first and second districts of Mexico; and for that purpose I have applied to many friends in those places who have always been faithful to the cause of liberty. I have urged them to help us, and I think they will, for the greatest crime a republican can commit is to kneel to a feeble tyrant, so easy to be overturned; and I told them so. The invitation I made them involves a kind of accusation, but they are good patriots.

I am sure that while the enemy's attention is attracted to places already in insurrection, I will be able to hoist the standard of liberty in my district, and maintain a defensive till other States can organize to aid me.

The people of Michoacan have suffered immensely; they have not ceased to fight the invader since he first desecrated their soil, using every lawful means. This shows they are not wanting in patriotism, even in their greatest troubles, and, with a little aid, they would soon replant the banner of liberty in the heroic land. If the government will furnish them with arms and pecuniary resources, this will be accomplished in less than two months, I can assure you.

On the 20th of February last my first division and part of the second had an encounter with the column of the traitor Ramon Mendez, of 2,500 men. The fight occurred on the Magdalen Heights, near this city. Our force was 1,500 men, poorly armed and equipped, and without artillery; while the enemy had all the conveniences of warfare. They lost one cannon, all their ammunition, baggage, a large sum of money, and half of their forces. Our loss also was considerable. I am now hunting our scattered men and picking up the arms, &c., left by the enemy. They took a few prisoners from us, but we captured a large number of their infantry, with good muskets and bayonets.

On the 23d of April last I applied to the government for honorary decorations for my brave chiefs, officers, and soldiers who took the town of Codallos, defended by 350 Belgians and 50 traitors. It was not simply on account of the fact of taking the place that I asked the reward of honor, but on account of the peculiar circumstances under which it was done. From the 8th of April to the 11th my forces marched sixty leagues to assault Codallos, at six o'clock in the morning of that day. We fought six hours and exhausted all the ammunition; not a cartridge was left, but my braves charged bayonet, and gained a complete victory. The chiefs and officers who fell on that day deserve the attention of the government, and I will send a list of their names to the proper department that they may be remembered.

If the government is pleased to accord to my soldiers the reward I ask, I hope you will communicate its orders to me, and accept my sincere gratitude, with protests of respect and consideration.

N. DE REGULES.

Señor Don BENITO JUAREZ,
President of the United States of Mexico.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 25, 1866.

MR. SECRETARY: I have the honor to transmit to you the copy of a note which I have just received from Señor Lerdo de Tejada, minister of foreign relations of the Mexican republic, numbered 167, and dated El Paso del Norte, 29th of March last, together with No. 13 of the official paper of the constitutional government of the Mexican republic, of the same date, containing the official report and other documents in relation to the victory at Santa Isabel, on the first of March last, of the patriotic sons of Coahuila and New Leon over a force of French and traitors, who were entirely destroyed.

I also enclose a copy of the paper.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—OFFICE OF RELATIONS, AMERICAN SECTION, NO. 167.

PASO DEL NORTE, *March 29, 1865.*

I enclose you No. 13 of the official paper of the government of this date, containing the report of General A. S. Viesca, and other documents relating to the victory at San Isabel on the first of this month, by the patriotic sons of the States of New Leon and Coahuila, over a force of French and traitors, who were entirely destroyed.

Accept my attentive consideration.

LERDO DE TEJADA.

Ciudad MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
 of the Mexican Republic in Washington.*

No. 2.

[From the official paper of the Mexican republic, Paso del Norte, March 29, 1866.—Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE FREE AND INDEPENDENT STATE OF COAHUILA DE ZARAGOZA.

After the detailed account I gave the department on the 18th ultimo, I am now pleased to report another complete victory gained by our forces on the 1st instant, and the operations of my brigade and the northern cavalry under Colonel Geronimo Treviño.

On the 16th of February last a column of French forced me to evacuate Parras and take shelter in Laguna, to recruit there and finish the traitor Maximo Campos before the French could aid him. I did not succeed in this, because the traitors fled, and took a rapid circuit over the frontiers of Durango and Zacatecas, and then joined the French in Parras. I continued to watch that place while two French columns of eight or nine hundred men were approaching me from Durango and Chihuahua. I retained my position till the 27th February, when I heard that Geronimo Treviño and Francisco Naranjo were approaching Parras to aid me with their cavalry. I immediately divided my brigade into two columns, so as to march on Parras from different directions, and wait for the expected cavalry in the neighborhood. This was accordingly effected. On the morning of the first my first column joined Colonel Treviño's cavalry at Santa Isabel, three leagues distant, having marched thirty leagues without stopping.

Two hours after camping, we heard firing in our front. At first I supposed it was an accidental skirmish, but I was soon informed that the enemy had made a formal attack upon our front. I soon agreed with Colonel Treviño upon a mode of defence, and in a very short time we were ready for the fight. Our advance of forty men, under Colonel Joaquin Garza Leal, bravely resisted the attack of 215 French and more than 400 traitors for two hours, and then fell back in good order to our camp, without the loss of a man.

We then attacked the enemy with two columns of infantry on the left flank, sent one forward in the centre, and a company of cavalry to the right: The fight soon became general: our brave men made an obstinate resistance, and finally put the enemy to flight, leaving the field strewn with the dead and wounded, their baggage scattered around, and many prisoners in our hands. The northern legion and Parras lancers pursued them for some distance, as you will learn from the enclosed report of Colonel Treviño. I also enclose a list of our losses, and those of the enemy, as well as a list of the French prisoners in our hands.

No victory could be more complete than ours on that glorious day, and I take great pleasure in congratulating the President of the republic on the happy influence this brilliant victory will have on our future operations.

The behavior of our officers and men was all that could be expected from gallant Mexicans fighting for their honor and the liberties of their country; every man did his duty; all shared equally the dangers and deprivations; and all rushed forward in full hope of the victory with which they were gloriously crowned.

I can make no special recommendations where all behaved in a manner to merit the praises of their countrymen, but I must not omit to mention Colonel Geronimo Treviño, Colonel Francisco Naranjo, and Lieutenant Colonel Antonio Perez Vilareal, who rendered themselves conspicuous for skilful management of their commands and their personal courage.

I make this communication for the information of the President of the republic.

Independence and liberty! Cuatro Cienegas, March 9, 1866.

A. S. VIEZCA.

The MINISTER OF WAR, (wherever he may be found.)

No. 3.

[Translation.]

OFFICE OF THE SECRETARY OF GOVERNMENT AND MILITARY COMMANDANCY OF THE FREE AND SOVEREIGN STATE OF COAHUILA DE ZARAGOZA, NORTHERN CORPS OF THE REPUBLICAN ARMY, FIRST DIVISION OF CAVALRY.

COLONEL-IN-CHIEF: I have the honor to inform you that, in obedience to orders from General Mariano Escobedo, in Linares, I started from Vivaldama with the first cavalry division, of 800 men, in the direction of Parras, to join the attack on the traitor Maximo Campos, in that place.

On the road I heard of your encounter with Campos's forces, and that a column of 200 French were coming to his aid from Saltillo. I immediately conceived the design of attacking them on their march, but at Cabos I was informed they had already reached Parras, and were preparing for defence in that city.

On receiving a despatch from you I resolved to march on to Parras, according to my first plan.

I waited for the Coahuila brigade at this place yesterday; it arrived about midnight, and camped alongside of us.

At three o'clock in the morning I heard that the enemy, 450 traitors and 215 French, were approaching.

I immediately ordered a line of battle to be formed, and wait for the onset. The enemy soon approached rapidly. He was warmly received by the Monclova squadron, under Lieutenant Colonel Ildefonso Fuentes, and the northern legion.

The combat soon became general. The enemy attacked the left angle of our line and tried to flank us with his cavalry, while a column of infantry doubled our right. The principal attack was bravely resisted by Colonel Naranjo and a part of the Coahuila brigade. I now ordered the cavalry under Lieutenant Colonel Joaquin Garza Leal and Emiliano Laing, and two infantry columns under Salvador Fernandez de la Cavada and Ruperto Martinez, to make the attack in front, while Colonel Pedro A. Gomez attacked on the left flank.

The enemy soon began to retreat under this combined movement, and we continued to pursue till nearly two-thirds were killed, and the rest surrendered at discretion. The field was covered with dead. All their horses and munitions of war fell into our hands. We found one piece of mountain artillery.

I think it my duty to commend to your excellency all the officers and men who took part in this battle, though you were an eye-witness to their gallant conduct.

I also send lists of the killed, wounded, and prisoners of the enemy, with the munitions of war which we captured from him on the field of battle. The list of our killed is also included.

Accept the protest of my consideration and respect.

Independence, liberty, and reform! Hacienda of Santa Isabel, March 1, 1866.

GERONIMO TREVIÑO.

The GOVERNOR AND MILITARY COMMANDER
of the State of Coahuila de Zaragoza, Present.

CUATRO CIENEGAS, March 9, 1866.

A true copy:

EDUARDO MUZQUIZ.

No 4.

[Translation.]

OFFICE OF THE SECRETARY OF STATE, BRANCH OF WAR AND MARINE—SECTION FIRST.

Your report of the 9th instant has given the President of the republic great satisfaction; he is rejoiced at the defeat of the French and traitors who dared to attack us on the first at Santa Isabel. This great feat of arms—the result of your plans and your courage in carrying them out—is of great importance on the frontier, and will have a good influence on the success of our future operations.

The worthy and gallant behavior of the chiefs, officers, and soldiers, who took part in the conflict mentioned by Colonel Geronimo Treviño in his report, is properly appreciated by the President, and he instructs me to thank you for the part you took in the fight, as well as all others who acted so gallantly on the occasion.

The especial recommendations you make in your report will be attended to by the government, with respect to the persons mentioned; and the gallant conduct of all will be remembered, that they may be noticed in their turn.

The President wishes you to give the greatest care to the wounded, and make a list of those maimed or killed in the action, that they or their heirs may enjoy the corresponding pensions.

The great sacrifices the people are making to sustain and increase the forces that are fighting for national independence, and the self denial and patriotism of those who are serving personally, are the surest guarantees of the safety of the country.

Independence and liberty! Paso del Norte, March 29, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER
of the State of Coahuila de Zaragoza.

PASO DEL NORTE, March 29, 1866.

The above are authentic copies:

MARIANO DIAZ, Chief Officer.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 26, 1866.

MR. SECRETARY: I have the honor to enclose you the copy of a note received yesterday from Mr. Lerdo de Tejada, minister of foreign relations of the Mexican republic, dated at Paso del Norte, the 30th of March last, numbered 175, and a supplement to No. 13 of the official paper of the constitutional government of the Mexican republic of the same date, containing official reports of the complete victory gained by the national forces of Mexico, under General Terrazas, in the capture of Chihuahua on the 25th of the same month. In the same paper, a copy of which I enclose, you will find an official report of the capture of Hidalgo del Parral on the 22d of March, by Colonel Vazquez, who took that city by assault.

All the invading forces have finally been driven from the State of Chihuahua.

I accept the occasion to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

No. 175.]

DEPT OF FOREIGN RELATIONS AND GOVERNMENT,
Paso del Norte, March 30, 1866.

In the supplement to No. 13 of the official paper of the government which I send, you will find reports of the complete victories gained by the national forces under General Luis Terrazas, in the capture of the city of Chihuahua, on the 25th of this month.

You will also see a report of the capture of the town of Hidalgo del Parral on the 22d, by Colonel Agustin Vazquez, with the arrest of the pretended traitor, political prefect Julio Carranco.

Thus you will see that the State of Chihuahua is now free from the enemy.
Accept the protests of my attentive consideration.

LERDO DE TEJADA.

The MINISTER OF THE MEXICAN REPUBLIC,
in the United States of America.

No 2.

[Supplement to No. 13 of the official paper of the Mexican republic.—Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF CHIHUAHUA.

I reached this place at nine o'clock yesterday morning, and the enemy sallied out to attack me very soon after I came in sight. He was instantly driven back, leaving one hundred prisoners in our hands, many killed, wounded, and missing, and one cannon. The city was then assaulted, and by noon the traitors were confined to their fortifications and the city captured. The forts were fired upon during the day, and were soon to have been assaulted; but at eleven o'clock at night most of the officers and a number of soldiers managed to escape, leaving us three hundred prisoners and all the munitions of war.

The fugitives took the road to San Pablo; I ordered them to be pursued, and hope they are secured by this time.

Our loss in killed and wounded is not great, considering the duration of the unequal contest. We lost nothing else.

I will send a complete report as soon as I can get the particulars; in the mean time I wish to recommend to the government the entire State brigade, its officers and men, and other officers whose services have been of the greatest importance.

Please report this to the President of the republic, and congratulate him upon this triumph of the national arms.

Independence and liberty! Chihuahua, March 26, 1866.

LUIS TERRAZAS.

The MINISTER OF WAR AND MARINE, *Paso del Norte.*

No. 3.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF CHIHUAHUA.

Colonel Agustin Vazquez, commander of the southern State line, reports as follows, from Hidalgo city, the 22d instant:

"I reached the suburbs of Hidalgo city at noon to-day, with the forces under my command, and immediately marched to meet the enemy in the place. The fight soon began, and lasted till three in the evening, when the enemy surrendered, and I took possession of the city.

"All my men behaved gallantly, and I recommend them to you for it. Our loss was insignificant, while the enemy's was great.

"I will send a complete report as soon as it can be made out, and congratulate the supreme national government, as well as the State government, on this signal triumph.

"I will continue to hold the place till I receive further orders from the supreme government."

I make this known to you for the information of the President of the republic.

Independence and liberty! Chihuahua, March 26, 1866.

LUIS TERRAZAS.

The MINISTER OF WAR AND MARINE, *Paso.*

No. 4.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF CHIHUAHUA.

The political and military chief of the canton of Rosales sent the following report to me yesterday:

"Long live the supreme government! Long last the independence of Mexico!

"As soon as I heard of the direction the fugitives had taken—the routed traitors had taken to the hills—I called together a few neighbors and started in pursuit of them. We succeeded

in catching the so-called prefect, Julio Carranco, Ensign Teofilo Cabezuela, a man named Miguel Vargas, who says he is a private individual, and fourteen soldiers. They are now confined here at the disposal of the government."

This is reported for the information of the President, and to ask him what is to be done with the prisoners mentioned.

Independence and liberty! Chihuahua, March 27, 1866.

LUIS TERRAZAS.

The MINISTER OF WAR AND MARINE, *Paso del Norte*.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 3, 1866.

MR. SECRETARY: Referring to my note of the 24th of February last to your department, relative to certain duties collected in Acapulco by the governor of the State of Guerrero, I have the honor to send you the copy of a communication I have received from Mr. Lerdo de Tejada, minister of foreign relations of the Mexican republic, dated at Paso del Norte the 31st of March following, and numbered 180, explaining why that business has not yet been decided upon by the Mexican government.

I accept the opportunity of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

No. 180.] DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT,
Paso del Norte, March 31, 1866.

I have received your note No. 88 of the 7th of February last, with a copy of Mr. Seward's to you on the same day, in regard to the custom-house duties ordered to be collected from certain American citizens in Acapulco by the governor of the State of Guerrero.

In your note of the 24th of the same month, No. 133, you said you had received mine of the 22d of January, No. 22, in which I told you what the minister of hacienda had communicated on the subject, a copy of which you transmitted to Mr. Seward.

I now send a copy of your note No. 88, with Mr. Seward's to you on the 7th of February, to the minister of hacienda, as it is his duty to decide the affair, which has not been settled for want of the proper information from the governor of Guerrero, and which could not be had on account of the distance and the insecurity of the roads.

Accept my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,
Envoy Extraordinary and Plenipotentiary of the Mexican Republic.

Señor de Santa Anna to Mr. Seward.

[Translation.]

ELIZABETHPORT, *May 21, 1866.*

SIR: Upon arriving in the United States of America, accomplishing one of my most constant desires, it is very pleasant to me to fulfil the first of my duties by presenting, in my character of Mexican citizen, the homage of my profound respect to the government of this great and happy nation, and the expression of my particular sympathy towards your excellency in person, and through your medium to the President of the republic.

Not being able at present, as was my purpose, to go and do this personally, I have commissioned, that they may do so as representing me, my friends Don Abraham Baiz and Colonel Don Dario Mazuera. They will present this letter to your excellency, and be pleased, your excellency, to accept their expressions as my own.

The object of my coming is to place myself in the way of discharging my duty as a Mexican general—to fight against the foreign and despotic government which at this day rules over the capital of my country, and to reinstall in that place the constitutional republican government, by offering for this purpose my services to the eminent patriot Señor Juarez, who is now at its head, and by placing myself under his orders. I consecrated to my country the better part of my life; it has heaped upon me favors and distinctions, and I anxiously desire that my last service may be to fight once more for its independence, and to re-establish the republic which I first proclaimed in 1822; to set the beneficial example of the obedient soldier and disinterested citizen; to reconcile parties for the sake of the whole nation, and to die withdrawn from public affairs and beloved by all my fellow-citizens. Such is now my ambition. I appeal most pressingly to the sympathies of the government of your excellency in behalf of that just cause, asking that it may favor it with its powerful aid, and I hope my conduct may be applauded by your excellency.

In the same sense I write to-day to Mr. Romero, our zealous and patriotic representative.

I have the honor to offer to your excellency the assurance of my highest consideration and personal esteem.

A. L. DE STA. ANNA.

His Excellency WILLIAM H. SEWARD, &c., *Washington.*

Señor Mazuera to Mr. F. W. Seward.

[Translation.]

WASHINGTON, May 26, 1866.

DEAR SIR: Yesterday afternoon we gave Mr. Chew the letter from General Santa Anna to Mr. Seward, and as to-day we have been absent from the hotel, we don't know whether Mr. Chew has come to let us know when we shall present it to Mr. Seward if there is no objection.

Pray be pleased to let us know what has been your father's decision.

Your very obedient servant,

DARIO MAZUERA.

FREDERICK SEWARD, Esq.

[Memorandum.]

The Secretary will for the present reserve himself in regard to the communication of General Santa Anna. He recognizes, however, the personal kindness of the general. After a time Mr. Seward may recur to the subject.

[Memorandum.]

Colonel Mazuera was informed by me verbally of the foregoing, and he replied that he would have been glad to pay a visit of courtesy to the President and the Secretary of State.

R. S. CHEW, *Chief Clerk.*

MAY 26, 1866.

Señor Romero to Mr. Seward.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 26, 1866.

MR. SECRETARY: In conformity with the promise I made in my interview with you in the State Department this morning, I have the honor to enclose the copy of a communication* addressed to me, on the 21st instant, from Elizabethport, by Don Antonio Lopez de Santa Anna, in which he offers his services to the Mexican government, and my answer* to it of yesterday, informing him that I was not authorized to consider the proposal, but would submit it to my government.

Your respectful and obedient servant,

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 28, 1866.

MR. SECRETARY: As one of the many proofs of barbarity perpetrated by the French troops now desolating Mexico with the pretext of restoring peace, I have the honor to send you, for the information of the government of the United States, a copy of No. 14 of the official paper of the government of the Mexican republic, of the 26th of April last, and desire to call your attention to the correspondence therein published by the department of war and marine, consisting of the following documents:

1. A communication from General A. S. Viesca, governor and military commander of the State of Coahuila, dated the 29th of January last, and addressed to the department mentioned, giving a report of his expeditions, and stating that the French forces and interventionists had burnt the towns of Matamoras and Soledad and many houses in Viesca, all in that State, murdering fifty harmless and unarmed persons, two men over eighty years of age and a boy of twelve.

2. Two orders signed by Maximo Campos, chief of a column of intervention troops under the command of the French general, Brincourt, dated the 9th and 10th of February last, and addressed to the associate judge of the town of San Lorenzo, commanding him to burn the houses of eleven persons who had deserted his ranks, into which they had been forced, and to turn their families from their homes on account of the supposed crime of their relatives.

3. The reply of General Ignacio Mejia, minister of war, to the note of Governor Viesca, before referred to.

4. A communication from General Luis Terrazas, governor of the State of Chihuahua, enclosing a note from the civil and military chief of the canton of Camargo, informing him that three hundred French had burned the town of Atotonilco and several estates, one of them the rancho de Palomas.

5. Another communication from the same Governor Terrazas, containing the report of the mayor of Atotonilco, on the 13th of April, giving details of the destruction of that place by the French, who turned the inhabitants out of their houses, and burned every one of them, thus leaving a number of innocent families without shelter. The mayor added that the French soon left to destroy the town of Rio Florido in the same manner, and on quitting the ruins of Atotonilco they said nobody should live there again, and they would return in a week and shoot any one who had come back to live there.

*For enclosures see enclosures Nos. 5 and 7 to Señor Romero's note of the 12th of August.

6. And lastly, the minister of war's reply to the preceding communication.

It seems to me unnecessary to comment upon these atrocities reported in the official documents I have the honor to enclose, as they plainly show the designs of the French in Mexico, and I have no doubt the government of the United States will coincide in the general opinion that is entertained.

I embrace the occasion to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, April 22, 1866.—Translation.] •

DEPARTMENT ON WAR AND MARINE—GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

The result of our victories in San Carlos and San Juan de Guadalupe determined us to march against Parras. It was thought expedient to draw the attention of the enemy in another direction, and with this intent, Colonel Geronimo Treviño, who was near Monterey with all his forces, was ordered to harass the enemy in the State of New Leon until we could unite and attack Saltillo or Monterey. He thought it a good idea, and prepared to start for Saltillo on the 15th of last month.

Two hundred men were ready when news came from Cuatro Cienagas that Colonel Jesus Gonzales Herrera had to quit Parras with three hundred men, as General Brincourt was marching upon that place with a division, and was soon to unite with the forces of Francisco Treviño and Maximo Campos. So our proposed expedition upon Saltillo had to be postponed.

Not many days had passed when we heard the French had burned Matamoras and Soledad, and all the houses of loyal citizens in the town of Viezca. We also heard they had murdered fifty unarmed and innocent people, among them two men eighty years of age, and a boy of twelve. After that Brincourt returned to Durango, leaving only three hundred men to garrison Viezca.

Now, as Jeanningros's forces were scattered, and as there were only three hundred men in Monterey, we determined to take that place, with Treviño and Naranjo to assist us.

I cannot here omit a respectful mention of the people of this frontier. In spite of their destitution they furnished ammunition, clothes, and provisions to the troops raised in their region, and contributed nine thousand dollars to equip Colonel Naranjo's forces; they also gave aid to Colonel Zepeda's regiment, and even went to manufacturing powder for the brave patriots that needed it so much.

The best soldiers in our army come from that region, and the best of it is they are all volunteers!

I cannot close this despatch without informing you that when Commander Victor Berlanga was returning from Guadalupe, he was surprised by a large troop of French, but escaped with the loss of a few provisions.

I will communicate the detail of recent events to the department as soon as received. You will please bring this to the knowledge of the supreme chief of the republic.

Independence and liberty! San Benaventura, January 29, 1866.

A. S. VIEZCA.

EDUARDO MUZQUIZ, *Secretary.*

The MINISTER OF WAR, *Paso del Norte.*

No. 2.

[Translation.]

GOVERNMENT AND COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

SAN JOSÉ DEL BARRIO, *February 9, 1866.* •

As soon as you receive this order you will drive the families named in the margin out of their houses, as their fathers are deserters, and have them burnt, and if the inhabitants are refractory I will destroy the whole place.

If any of the men make their appearance you will arrest them instantly and send them to me.

MAXIMO CAMPOS, *Commander-in-Chief.*

The ASSOCIATE JUDGE of *San Lorenzo.*

The names written in the margin are, Felix Rivera, Julian Rivera, Juan Carrillo, Encarnacion Mata, Maximo Agüero, Isaac Barrientos, Cruz Garcia, Eulogio Mesa, Pedro Auguiano, Ricardo Madril, and Bruno Mendez.

No. 3.

[Translation.]

EXPEDITIONARY COLUMN AT LAGUNA, SAN JOSÉ DE LOS ALAMOS,
February 10, 1866.

I have received your communication, and I am by no means pleased with your reply to my orders to burn the houses of the deserters. What you say is only an evasion, an excuse for disobedience to superior orders, and it therefore becomes necessary to punish a judge severely as a warning to others.

If my order to burn the houses, whether rented or owned, is not obeyed by the time my forces reach the place, the whole town shall be destroyed.

MAXIMO CAMPOS,
Commander-in-Chief.

The ASSOCIATE JUDGE of *San Lorenzo*.

The two notes above are true copies of the originals, as certified by me, at San José del Burro, on the 19th of February, 1866.

EDUARDO MUZQUIZ, *Secretary*.

No. 4.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

PASO DEL NORTE, March 6, 1866.

The President of the republic has received your communication of the 29th of January last, relating to the organization of a new company, and the opportune aid of the citizens of the State. He is much pleased with this proof of their patriotism, and instructs me to thank you and them for signal services.

He is indignant at the barbarous conduct of the French troops that came from Durango, under Brincourt, to burn the houses in Laguna, and murder many persons, among them two old men and a boy, in revenge for their defeat at San Carlos and San Juan de Guadalupe. Such acts are additional proofs of the negative blessings of intervention, and of the inhuman and sanguinary method the French leaders are adopting to terrify the people of the country since it is impossible to conquer them.

Independence and liberty!

MEJIA.

The GOVERNOR AND MILITARY COMMANDER
of the State of *Coahuila de Zaragoza*.

No. 5.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF CHIHUAHUA—WAR
SECTION NO. 39.

In a communication of the 11th instant, the civil and military chief of the canton of Camargo writes to this department as follows:

"Persons from Atotonilco report that three hundred French burnt that place yesterday, allowing families to leave. They say other places have been burned, Rancho de Palomas for instance, and it is not known whether the enemy will come on this way or go back."

I send this for your information and consequent action.

Independence and liberty! Chihuahua, April 14, 1866.

LUIS TERRAZAS.

The MINISTER OF WAR AND MARINE, *Paso del Norte*.

No. 6.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OR CHIHUAHUA—WAR SECTION NO. 42.

In a communication of the 13th instant, the civil chief of the canton of Camargo writes to this department as follows:

"The mayor of Atotonilco reported to this office yesterday as follows:

"The French, to the number of two hundred and fifty infantry and fifty cavalry, reached this place at two o'clock day before yesterday, and having taken possession, ordered all the houses to be vacated, with three days' provisions, as it would be burned next morning, every house except the church and parsonage. At sunset a general pillage began and continued to a late hour of the night. The pillage was resumed next morning, and the houses were burned. The enemy left the town in ruins this morning, and marched towards Rio Florido, to leave that place in the same way. The only kindness to us was sparing our lives: nobody was killed; but they threaten to return in a week and shoot any one who dares to come back.

"I beg you to publish this notice, and put it in the hands of the commander of the line. Communicate it also to the governor."

I send you the above for the information of the President of the republic.

Independence and liberty! Chihuahua, April 17, 1866.

LUIS TERRAZAS.

The MINISTER OF WAR, &c., *El Paso del Norte*.

No. 7.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The President of the republic has received your communication of the 17th instant, enclosing that of the civil prefect of Camargo, giving the particulars of the burning and sacking of Atotonilco by three hundred French of the invading army. This shows their spite against patriots who will not give up their country's cause. The justice of our cause will finally punish these criminals for their inhuman acts at Atotonilco and elsewhere; and those who have suffered from their cruelty shall receive due reward and compensation for the destruction of their property.

Independence and liberty! Paso del Norte, April 23, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER of the State of Chihuahua.

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,

Washington, June 2, 1866.

SIR: Referring to my communication to you of the 22d of April last, I have now the honor to enclose herewith a copy of a letter of the 30th ultimo, received from the War Department, and of the report of General Weitzel, which accompanies it.

I have the honor to be, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

No. 1.

WAR DEPARTMENT,

Washington City, May 30, 1866.

SIR: I am directed by the Secretary of War to herewith transmit, agreeably to the request made in your communication of the 18th ultimo, a copy of the report of General Weitzel with reference to the sequestration at Clarksville, Texas, of certain goods claimed by the Mexican liberal government by the right of seizure and confiscation.

I have the honor to be, sir, your obedient servant,

THOS. T. ECKERT,

Acting Assistant Secretary of War.

Hon. WILLIAM H. SEWARD, *Secretary of State*

No. 2.

CINCINNATI, May 9, 1866.

SIR: In answer to the letter of the 25th ultimo from your office I have the honor to report on the subject referred to in the enclosed papers as follows:

Immediately after the capture of Bagdad, in January, plundering began. The goods thus plundered were immediately brought over to Clarksville, on the Texas side, and the revenue officers, notwithstanding the greatest exertions, could not protect the revenue. The collector of the district immediately called upon me for assistance, which was granted at once. Colonel Mejia, who was in command at Bagdad, informed me several days afterwards that plundering still continued, and the goods smuggled across to our side, and at his suggestion all goods that came across were held, to give their owners a chance to reclaim them through the civil authorities of Texas. While this arrangement was in force the lighter load of goods referred to was brought over to Clarksville, and was at once claimed by the owners, (citizens of Prussia.) The goods were attached as stolen property by the sheriff of Cameron county, and the case tried. Colonel Mejia had counsel. The State laws of Texas grant the courts of Texas power to try such cases, and seem to have been specially made for cases of this kind, and to protect the inhabitants of Mexico. I was relieved before the case was decided, I believe. The military acted in this matter as an ally or support to the revenue officers. It did not sequester the goods. My only desire was to keep clear of the whole thing. I sincerely believe that no wrong was done to the Mexican liberal government, as all honest people, who know the case, will testify. The revenue laws of Mexico do not require a lighter to have papers or a clearance from Bagdad, because all vessels which sail from the Rio Grande are loaded by means of lighters. The goods on the lighter *Helena* were represented to be in transitu to Vera Cruz, and I firmly believe they were. They were moved up the river, I was told, to escape the shells of the French man-of-war. Mr. Charles Worthington, collector of the Rio Grande district, can probably more fully explain this matter and the action thereon. I know he tried only to do his duty in this matter.

I am, sir, very respectfully, your obedient servant,

G. WEITZEL,

Captain of Engineers and Brevet Brig. Gen. U. S. A.

Brevet Major General L. THOMAS,

Adjutant General U. S. A., Washington City, D. C.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, June 4, 1866.

MR. SECRETARY: I have had the honor to-day of receiving your note of day before yesterday, enclosing the copy of a communication of the 30th ultimo from the War Department to you, with a copy of General Weitzel's report in relation to certain goods taken by Mexican forces at the mouth of the Rio Bravo, and confiscated in Clarksville, State of Texas, to which subject I alluded in my three notes of the 30th and 31st of March last to your department.

I send a copy to-day, with a translation of your note and the accompanying documents to the Mexican government, that in view of them it may determine what is most convenient. Yet, as I would like to have further information of what occurred in this case, I think it well to accept the suggestion made by General Weitzel in his report, to ask a report of the facts of the case of Mr. Charles Worthington, collector of customs at Brownsville, who was eye-witness to the occurrences. This will be the more easy to obtain, as I learn that Mr. Worthington is now in Georgetown, District of Columbia.

From the slight knowledge that General Weitzel seems to have of the facts, the information of persons better acquainted with them seems desirable.

I embrace the occasion to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA.

Washington, June 10, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, copies of documents specified in the annexed index, showing the condition of affairs at latest dates in the oriental military division of the Mexican republic.

I accept the opportunity to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, in relation to occurrences on the oriental line.

No.	Date.	Address.	Contents.
1	1866. May 16	General Garcia to the President.	A statement of recent events on the eastern line.
2	May 15	General Garcia to the minister of war.	Saying the line south of Vera Cruz was invaded on the 24th of March last, and explaining the situation of affairs.
3	May 15	General Garcia to the minister of war.	Official report of the victory at Tonala, in the State of Tobasco.
4	May 15	General Garcia to the minister of war.	Official report of the victory of Sayaltepec, by General Figueroa.
5	May 15	General Garcia to the minister of war.	Official report of General Diaz on the victory of Janultepec.
6	May 15	General Garcia to the minister of war.	News of General Diaz's victory at Putla, in the State of Oaxaca.

No. 1.

[Translation.]

AMATLAN, May 15, 1866.

SIR: My fears, so often expressed to you, have been realized. As you will see in my official note of to-day to the minister of war, this coast was invaded after the 24th of March last, and from that time till now I have had to contend with a thousand difficulties in its defence. I have needed forces; I have been in want of arms, because I could get them at no price here, and our minister in Washington could not send me any, though often requested; and so I have not been able to escape from the false position in which I am placed.

Fortunately the enemy has committed errors, and was compelled to disband the forces brought to Tlacotalpam. Thanks to the patriotism of the inhabitants, to the bravery of my chiefs and soldiers, to our constant efforts in overcoming obstacles, our present position is not bad, and I have good hopes that the national arms will once more triumph in this line, if fortune does not desert us hereafter.

The enemy has the advantage over us in cannons and other elements of war, as long as he remains on a plain bounded by a large river; but it cannot be said that his situation is excellent, because the courage of our soldiers makes up for want of munitions, and we have absolutely penned the enemy in the town of Tlacotalpam, where he has to hide in his trenches. All the inhabitants have gone to the surrounding towns and villages, so the enemy has nobody to govern there. All the approaches have been cut off by land or water; and as the water of the river in front of the town is salt, they have to drink that or the dirty well-water. Steamers cannot come down the river, for our forces attack them from the banks. We have

forces on the road from Tlacotalpam to Alvarado, that fire on every boat that passes on the river, so none but war steamers can now go up or down. On the banks of the river opposite Tlacotalpam we have forces to annoy the enemy with cannons and rifles; and on the west of the town, where our encampment is situated, we harass the enemy seriously. I assure you we give him no time to sleep or rest, and I am told he is becoming desperate. Mariano Camacho is at the head of the hostile forces in Tlacotalpam, resisting all these annoyances. It seems he is determined to hold out to the last and perish under the ruins of the city. It is now rumored he will soon receive orders to withdraw, and I think he will have to give up at any rate, even if the rainy season, now beginning, does not compel us to quit the low grounds we now occupy.

Fortunately on other parts of the line we are doing well. Peace prevails in Tabasco and Chiapas despite the reports of an invasion from Yucatan. There is no probability of it now, however, and you will see by my report of to-day to the minister of war that our forces, on the 17th ultimo, recovered the district of Tonala from the imperialists. You will also see on account of the late victories of Generals Diaz and Figueroa, at Mexteca and Sayaltepec; these, I think, will induce the evacuation of Tlacotalpam.

I have no time for more, but remain yours truly,

ALEJANDRO GARCIA.

Señor Don BENITO JUAREZ,

President of the Mexican Republic.

No. 2.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

On the 24th of March last, after many rumors of invasion in the line south of Vera Cruz, said to be formidable and commanded by General Count Thun, four large and one small French steamers appeared before Tlacotalpam, and a force of infantry and artillery came from Orizaba, the number of which I could not ascertain at the time. I have never had enough forces to resist an invasion, and have constantly been in need of arms. This was well known to the government, for I applied to the President of the republic frequently, since May of last year, to send me arms, as I could not get them here. So, fearing to be overpowered by the enemy, and hemmed in, as I was, on the left bank of the Papaloapan by steamers and land forces, I determined to cross the river, which I did on the 25th of March, with all the forces I had scattered about Estanguela, Cosamaloapan, and Tlacotalpam. This was fortunate, as the enemy's land forces reached Cosamaloapan on the 26th, and steamers began to ply on the river below Tlacotalpam: and if we had not crossed when we did we could not have crossed afterwards.

I formed a line of defence on the right bank of the Papaloapan, from Chacaltianguiz to Santiago Tuxtla; one column of infantry on the right, and one at San Nicolas as a central point; another as a reserve in Nopalapan, with the cavalry in front, ready for any movement of the enemy if he should pursue me in my retreat.

The forces of Acayucan and Minatitlan remained in their cantons, to prevent an incursion of the enemy on that side, and those to the north of this coast remained in their positions to defend us from a flank movement.

My line of defence thus established, I set to work, making use of every mode of defence. Fifteen days passed and the enemy did not appear. Learning that he had only 1,200 men in Tlacotalpam, and that a number of them had been sent to Vera Cruz, I recrossed the Papaloapan and fixed my headquarters in this town, extending my forces from San Geronimo to Cosamaloapan, and began to harass the enemy, now fortified in Tlacotalpam.

I next moved my camp to a place two leagues to the west of that city, out of the reach of the gunboats that might come up the river to bombard it.

All my forces are now in this camp, except those of Cocinte, Minatitlan, and Acayucan; and we constantly annoy them in the town. Now the enemy is confined to the town limits.

I wish to force an evacuation of the place, without risking an assault, as four steamers are anchored in front of the town to defend it.

But if the rainy season comes on, and the enemy has not left the town, I shall be compelled to attack it, as it is the only place the water does not cover during the rains; and as all the inhabitants have left, I must retake it and let them return to their homes.

It is scarcely necessary to tell you I have not the elements for a war of this kind, because you know it already; but fate has placed me here and I must assume the responsibility. If I fail it will not be by my fault, for I have asked aid of the government more than once. But fortune must favor the patriotism, the self-denial, and bravery of the loyal Mexicans I have under my command.

Independence and liberty! Headquarters in Amatlan, May 15, 1866.

ALEJANDRO GARCIA.

The MINISTER OF WAR, at El Paso del Norte.

Vol iii—11

No. 3.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

CITIZEN MINISTER : On the 17th of last month the governor and military commander of the State of Tabasco wrote me as follows :

"It is four o'clock in the afternoon, and the garrison of Tonata has surrendered at discretion after an obstinate contest, with a guarantee of life and liberty. Unfortunately the victory was not gained without a struggle ; we lost several men and officers. I will report the number of killed and wounded as soon as it can be ascertained. In granting life and liberty to the enemy, I think I have acted in accordance with Mexican clemency and generosity, but if there is anything else against me, I am ready to repel the charges. I have the honor to rejoice with you over this victory, which gives us an important place, with its artillery, arms, munitions and other necessities. Accept the assurance of my appreciation and respect.

I have the honor to transmit the communication for the information of the President of the republic, felicitating him upon this new honor to the valiant sons of Tabasco, whom I have already ordered to be thanked, in the name of the supreme government, for this brilliant feat of arms.

Independence and liberty ! Amatlan, May 15, 1866.

ALEJANDRO GARCIA.

The MINISTER OF WAR.

No. 4.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

CITIZEN MINISTER : Citizen General Luis P. Figueroa writes me from Sayaltepec, April 27, as follows :

"Long live the republic ! Twelve hundred Austrians and traitors, with two four-pound rifled cannons and three twelve-pound mountain howitzers, came within my lines as far as Sayaltepec on the 30th of March last. After a severe battle of six hours they were defeated, and they retreated to Tocatlan, where they were harassed by our troops till re-enforcements joined them with munitions. On the 23d they attacked us again, but had to retreat, with many killed, wounded, and missing, as in the battle of the 30th.

"They returned on the 25th, marched out their best troops, and offered battle. They were again repulsed, after cannonading us for five hours. On this occasion, as on the others, their loss was considerable.

"We collected ninety rifles, ten muskets, three cornets ; sixty killed, fifteen prisoners, and nine wounded. Our loss was slight."

I transmit this communication to you for the information of the President of the republic. Independence and liberty ! Headquarters in Amatlan, May 15, 1866.

ALEJANDRO GARCIA.

The CITIZEN MINISTER OF WAR, *Paso del Norte*.

No. 5.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

CITIZEN MINISTER : General Porfirio Diaz, chief of this line, under date of the 30th of April last, writes me as follows :

"I have the honor to inform you that, on my arrival at Jamiltepec, the enemy, to the number of more than seven hundred men, with two pieces of artillery, having heard of my coming, left the place. I immediately ordered General Leyva in pursuit, and, although he did not succeed in overtaking him, he collected more than four hundred arms and much ammunition. I also ordered the prefect of Jamiltepec to gather up whatever the enemy had left along the road."

I transmit this communication to you for the information of the President of the republic. Independence and liberty ! Amatlan, May 15, 1866.

ALEJANDRO GARCIA.

The Citizen MINISTER OF WAR.

No. 6.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

CITIZEN MINISTER: General Luis P. Figueroa, in a private letter of the 28th of April last, writes me as follows:

"Since my last letter of this date, in relation to General Porfirio Diaz, I have seen another dated the 14th instant, in Putla, the tenor of which is as follows:

'PUTLA, April 14, 1866.

'As I said, I began my operations in Mistecas. To-day I took possession of Putla, surprising the enemy, who made no resistance. The Spaniard Ceballos was at the head of the forces on a hill. I ordered a part of my cavalry to attack them, which was done, routing them completely, and pursuing them till dark. We took seventy rifles, twenty-one muskets, thirty lances, and forty horses with saddles, from the enemy. He had seventeen killed and lost twenty-three prisoners. As I have no time, you will please forward this to General Garcia.'

"I send you this for the purpose above mentioned."

I have the honor to make the above communication to you for the information of the government, which will no doubt be pleased to hear of the progress of General Diaz, whom the enemy has so often destroyed.

Independence and liberty! Headquarters in Amatlan, May 15, 1866.

ALEJANDRO GARCIA.

The Citizen MINISTER OF WAR, *Paso del Norte*.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,

Washington, June 13, 1866.

MR. SECRETARY: For the purpose of keeping the United States government informed of the satisfactory manner in which the decree of November 8, 1865, issued by the constitutional government, has been received in the Mexican republic, by which the prolongation of the period of service of the President until it be possible to hold a new election is decreed, I have the honor to send with this note a copy of No. 11 of the official paper of the government of Mexico, published at the town of Paso del Norte the 8th of March last, which contains a communication from General Garcia Morales, governor and military commander of the State of Sonora, dated at La Noria, the 1st of February previous, and another by the political chief of the Territory of Lower California, addressed to the Mexican consul at San Francisco, who transmitted it to the minister of foreign relations, in which communications both functionaries express the completest approval, and that of Mexicans residing within their respective jurisdictions, of the measure indicated. I also send a copy of No. 16 of the official newspaper of the 17th May last past, in which are published two communications on the same matter addressed to the department of foreign relations and government—one by General Don Domingo Rubi, governor and military commander of the State of Sinaloa, and the other by General Ramon Cowna, commanding the united brigades of Sinaloa and Jalisco, in which they manifest their own opinion and that of their subordinates as entirely favorable to said decree. I send also, lastly, various printed acts signed by citizens of the State of Tabasco, in which absolute approval is expressed of the decree prolonging the constitutional term of President Juarez.

I avail gladly of this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

GOVERNMENT AND MILITARY COMMAND OF THE STATE OF SONORA,
In camp on the Noria, February 1, 1866.

I have received with positive satisfaction the two decrees issued by the President under date 8th November last, and the circular of the department which accompanied it; the first of them on the prolongation of the functions of the supreme magistrate of the nation, while the condition of the foreign war does not permit the making of a new constitutional election; and the second on the mode of substitution for it, during the war, it should fall through.

The anomalous circumstances under which, unfortunately, the republic is placed; the void or silence of the constitution on this point of such vital interest to the country; the spirit of articles of 78, 79, 80, 82 of the same fundamental code; and, finally, the amount of powers which the legislative power of the Mexican union devolved on the executive at the date of the 11th December, 1861, can superabundantly justify the first of said measures, in which not even the enemies of the government will ever be able to see anything else than the intense zeal of the President for legitimate action, the closest investigation of his determinations, and above all, his singular self-denial in encountering a position so trying as the present without other recompense than the satisfaction always caused by the discharge of duty, however onerous it may be.

Independence and liberty!

J. GARCIA MORALES.

D. ELIAL, *Secretary.*

The Citizen MINISTER OF RELATIONS AND GOVERNMENT,
Paso del Norte.

No. 2.

[From No. 11 Periodico Oficial, 8th March, 1866.—Translation.]

CONSULATE OF MEXICO AT SAN FRANCISCO,
San Francisco, January 24, 1866.

Citizen Antonio Pedrin, political chief of the territory of Lower California, says to me, under date of 16th instant from San José, as follows:

"With your valued communication, dated 27th December last past, I have received two numbers of the official paper which you had the kindness to send me, in which are published the decrees which the President of the republic issued through the department of foreign relations and government; one relating to the prolongation of the functions of the President, and the other on the responsibilities of General Jesus Gonzalez Ortega.

"In acknowledging the receipt of this communication, I acknowledge with pleasure that, in my opinion, the citizen President could not adopt a more prudent measure, because if it is true that it might affect certain partialities interested in a change of administration, there is nothing more sure than that none of our public men can fill the immense void, which would be left in the absence of the power—the father of the Mexican republic.

"By his side we know that we always hold combined faith, honor, and constancy, sustained by the national party—out of it, God only knows what would become of Mexico under actual circumstances."

I have the honor to transmit you this, that you may make report to the President of the republic for his information.

I reiterate to you the assurances of my distinguished consideration.

JOSÉ A. GODOY.

The MINISTER OF FOREIGN RELATIONS, *Paso del Norte.*

No. 3.

[Translation.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SINALOA,
Concordia, December 24, 1865.

I have the honor to acknowledge the receipt from your department of the circulars of the 28th of October and the 8th of November, and of the decrees issued at the last date.

These supreme dispositions will be rigorously adhered to by this State under my command, for in them we see security to the nation, and the responsibility of those who have abandoned the republic at a critical moment and gone abroad.

These excellent decrees have been ordered to be circulated in the districts, and by general order among the united brigades of Sinaloa and Jalisco.

I make this communication to you for the information of the supreme magistrate of the nation.

Independence and liberty!

F. SEPULVEDA, *Secretary.*

DOMINGO RUBI.

The Citizen MINISTER OF FOREIGN RELATIONS AND GOVERNMENT,
Chihuahua.

No 4.

[Translation.]

REPUBLICAN ARMY, HEADQUARTERS OF THE UNITED
BRIGADES OF SINALOA AND JALISCO,
Concordia, December 24, 1865.

The circulars and supreme decrees issued on the 28th of October and 8th of November from your department have been received. The good sense of the nation will see in these documents security for the supreme authority of the nation, and a protection to the defenders of national independence, in contrast to those who, bearing the name of soldiers of the republic, desert the flag and leave the country.

These supreme dispositions shall be made known by general order to the men of the united brigades of Sinaloa and Jalisco.

I make this communication to you for the information of the supreme magistrate of the nation.

Independence and liberty!

RAMON CORONA.

The Citizen MINISTER OF FOREIGN RELATIONS AND GOVERNMENT,
Chihuahua.

No. 5.

[Translation.]

The people of Tabasco and citizen Benito Juarez—Acts requesting him to remain in office till the end of the war.

TABASCO, 1866.

Third seal—Fee, four reals.—Executed in the principal administration of Tabasco, for the years 1866 and 1867.

The governor and military commander of the State of Tabasco assembled the inhabitants of San Juan Bautista on the 4th of March, 1866, to ascertain if they were in favor of prolonging the presidential term of citizen Benito Juarez, constitutional President of the Mexican republic, according to decrees issued at Paso del Norte, on the 8th of November last; and to organize the meeting, the governor was called to the chair, and Juan R. de la Rosa was named secretary.

The decree having been read aloud, the object of the meeting being for that purpose, and all present having manifested their will in favor of prolonging the presidential functions of citizen Benito Juarez, the following resolutions were passed unanimously:

1st. The inhabitants of the capital of the State of Tabasco support with all their will and all their strength the decree issued on the 8th of November, 1865, by citizen Benito Juarez, prolonging his presidential term till circumstances allow the nation to hold a constitutional election for his successor; and the inhabitants of the capital of Tabasco acknowledge no other authority than that now exercised by citizen Benito Juarez.

2d. The same people of Tabasco express their full confidence in citizen Benito Juarez, and thank him for the constancy and abnegation with which he has defended the independence and autonomy of the nation.

And thereby this act was concluded and signed by those present, with me, the secretary, to which I certify.

G. Mendez.
M. M. Moreno.
Cornelio Castillo.
Mariano Pedrero, esq.
Francisco de P. Aguilar.

Pedro Fuentes.
Isidoro Alfaro.
Tranquilino de la Rosa.
José Eugenio García.
Nicolas Hernandez.

And two hundred and fifty-nine other names.

No. 6.

[Translation.]

In the city of San Antonio de Cardenas, on the 25th of February, 1866, I, José Leandro Dominguez, acting subaltern chief of this place, intending to give due effect to the superior disposition from the headquarters of the eastern line relative to the Mexicans in this State, to declare freely their opinion whether or not they agree that the well-deserving citizen Benito Juarez shall continue to exercise the presidency in accordance with the supreme decree issued by him in Paso del Norte on the 8th of November last, and in conformity with the superior consent of the government of the State, communicated to us by the chief prefect of the district, have summoned all the inhabitants within the jurisdiction of this city for that purpose, who being present and being informed of the opinion of the headquarters of the eastern line, and of the circumstances that caused the prolongation by decree of the presidency of the well-deserving citizen Benito Juarez, who by his heroism, constancy, abnegation, and patriotism has lent such important services to the nation, particularly in the present foreign war, by which he has earned the title of well-deserving of the Americas, they declared unanimously that they accept in all form the mentioned supreme decree, issued at Paso del Norte on the 8th November, 1865, and by the same they recognize and will recognize citizen Benito Juarez as President of the Mexican republic, in conformity with article 1st of the supreme decree already mentioned. And to confirm it, they all sign with me, giving as concluded this act, which will be sent in original to the governor of the State, to act upon it as he may think proper.

L. Dominguez.
P. Valenzuela.
P. J. Sanchez.
Manuel A. Hernandez.
Candelario Ibarra.

Wincelao Ojeda.
Ramon A. Echalar.
R. E. Cecia.
Teodoro Rosaldo.
Miguel Hernandez.
And forty-two other names.

No. 7.

[Translation.]

In the city of Santiago de Teapa, of the free and sovereign State of Tabasco, on the 25th of February, 1866, the principal inhabitants of the district assembled in the City Hall, by invitation of the civil prefect, to learn public opinion in regard to the decree of the 8th of November last, in which citizen Benito Juarez, constitutional President of the republic, for just reasons of necessity, which he gives, has been forced to prolong the supreme government of the republic in his own person. The decree in question having been read, and the one of the same date deposing citizen Jesus Gonzalez Ortega from his place of president of the supreme court of justice, and the official note of the commander of the eastern line, which says that General Jesus Gonzalez Ortega, as president of the court of justice, protested in the United States against the decree that prolongs the presidency of the person now holding the office, the presiding authority observed that the people of the present meeting could now express their opinions and wishes freely and voluntarily in regard to the continuation in office of citizen Benito Juarez, *interim* President of the republic. By virtue of the full powers with which he is invested, and the necessity of not leaving the government without a head, he was compelled to issue the decree that had been read; and all the citizens present, unanimously without dissent and without discussion, (for it was deemed unnecessary,) adopted the following resolutions:

ARTICLE 1. Citizen Benito Juarez is recognized, received, and obeyed as President of the Mexican republic till it can be freed from its enemies, now occupying a large portion of its territory by force of arms, and till a new constitutional election for a chief of the republic can take place.

ARTICLE 2. A vote of thanks is given to the well-deserving citizen Benito Juarez, for his self-denial and the many sacrifices he has made of his person on the altar of his country by continuing in the supreme command of the republic while it is laboring under its present trials and tribulations.

ARTICLE 3. An act is made out containing these resolutions, the original of which is to be sent to the citizen governor and military commander of the State, through the proper source, and for consequent action.

And thereby this act closes, all present signing it.

José M. Bastar.
Silverio R. Garido.
Fernando Carrillo.
Augustin Figueroa.

Cecilio Pedrero.
Ramon J. Pedrero.
Evaristo Carrera.
Rudecindo R. Carrillo.
And fifty-one other names.

No. 8.

[Translation.]

In the town of Navidad de Cunduacan, on the 27th of February, 1866, a considerable number of citizens assembled in the hall of the civil prefect, to consider a circular issued by the general-in-chief of the eastern line, on the 1st instant, and sent to the supreme government of the State, requiring the people to express their sentiments freely in regard to the permanency of citizen Juarez in the office of President of the republic, till the conclusion of the present war.

First. The town of Cunduacan acknowledges citizen Benito Juarez as the only legitimate President of the republic, by virtue of the decree which he was pleased to issue on the 8th of November last, at Paso del Norte, and by which he now exercises the functions of President of the republic.

Second. The town of Cunduacan gives its vote of confidence in the worthy President, citizen Benito Juarez, for the energy and firmness with which he has sustained the flag and honor of the republic against foreign invasion.

Third. In conformity with the mandate of the superior government of the State in the said circular, the present act is addressed to him in original by the civil prefect.

Rafael A. Quevedo,

For myself and Locadio Ruis,

Rafael Taraseno.

For me and Mr. Eugenio Sanchez,

Wenseslao Fuentes.

Noerto Fuentes.

Francisco Burelo.

Manuel Priego.

S. Alpuin.

Evaristo Trujillo.

And sixty-two other names.

No. 9.

[Translation.]

In the town of San Isidro Comalcalco, on the 25th of February, 1866, the people of the place assembled in the Town Hall, by summons of the civil prefect, from an order of the superior State government, dated the 17th instant; and the circular of the general-in-chief of the eastern line having been read to the people assembled, in regard to the protest of citizen Jesus Gonzalez Ortega against the supreme decree issued by citizen Benito Juarez, prolonging his functions as President of the republic as long as the cruel war waged against us by France may last, endeavoring to impose an imperial government upon us; and the meeting having been addressed by the civil chief, stating that the persons present were requested to give their opinions upon these questions, of so much importance in the present condition of the country, the following resolutions were unanimously adopted:

1. Citizen Benito Juarez is recognized as President of the republic, because he is the only person in whom the Mexicans have confidence, as with so much faith and abnegation he has supported the national cause and sustained the flag of his country.

2. The pretensions of General Gonzalez Ortega to assume the presidency of the nation by right of his position as president of the supreme court of justice, is disavowed and rejected, as he was not in the country at the time.

3. Let this act be communicated to the citizen governor of the State, as the free vote of the inhabitants of the town of Comalcalco, and in accordance with the will of all Mexicans faithful to the national cause.

And thereby this act closes, and is signed by all citizens present, and by me, the secretary, who certify it.

Victor Gonzalez.

P. Mendez.

B. Fuente

José A. Ferrer.

Miguel Bosada.

Francisco Hernandez Ubaldo Gonzalez.

Perfecto Diaz Ascenso.

Aniceto Cordova.

José Mariano Hernandez.

And forty-three other names.

No. 10.

[Translation.]

In the town of San Antonio de Padua de Nacajuca, on the 28th of February, 1866, the inhabitants assembled in the prefect's hall to consider a circular from the governor and military commander of the State, dated the 17th, and containing a note from the general-in-chief and military commander of the eastern line, of the 1st, stating the disagreeable and serious question that has arisen in the country, and even outside of it, in consequence of the protest of General Jesus Gonzalez Ortega, while in the United States, against the decrees of the supreme

government of the republic, of the 8th of November last, and aspiring to the supreme magistracy, as president of the court of justice; and the documents having been read, the civil chief invited those present to express their opinions, in accordance with the wish of the circular. The vote was unanimous for citizen Benito Juarez, the legitimate President of the republic, to continue in office till a new election could take place.

And thereby this act concluded, and is signed by all present, and certified to by me, the secretary.

José del R. Perez.
Hilario Leyva
Matias Ybancovich.
Perfecto Ramon.
Manuel R. Alvarez.

R. Leon.
José M. Ramon.
Melicio Denis.
P. Ferrer.
Claudio Rodriguez.
And forty other names.

No. 11.

[Translation.]

In the town of Huimanguillo, chief town of the district of the same name, on the 4th of March, 1866, the authorities and inhabitants, together with the people of Riberas, met to consider the governor's circular of the 26th of February, requesting the opinion of the people whether citizen Benito Juarez shall continue as president of the nation till the end of the present war. The vote having been taken, it was unanimously agreed that Juarez, who had sustained the national cause under such trying circumstances, should retain the presidency till the close of the war.

And thereupon the present act was concluded and signed by all present and by me, the the secretary, to which I testify.

José M. Sol.
F. Tronco Montero.
Francisco de S. Colorado.
Bruno Girodo.
Bernardino Fuentes.

Anastasio Hernandez.
Anselmo Hernandez.
José M. Morales.
Pedro Priani.
Macedonio Acuña.
And thirty-four other names.

No. 12.

[Translation.]

In the township of Balancan, chief place of the district of the same name, on the 25th of February, 1866, the inhabitants assembled in a place designated by the chief civil functionary, where a communication from the citizen governor and military commander of the state, dated the 17th instant, with another from the headquarters of the eastern line, dated the 1st, was read, the substance of which was that citizen Benito Juarez, by a decree of the 8th of November of last year, had prolonged his powers as president of the Mexican republic, as an election could not take place, as prescribed by the fundamental charter of the nation, as long as this war lasted; and the vote having been taken, it was freely and unanimously declared that the well-deserving citizen Benito Juarez should retain the presidency of the republic till the termination of the war.

And thereupon this act was concluded and signed by all present, with the proper authentication.

C. N. Ramirez.
D. Gutierrez Julian Quintero.
Miguel A. Bustamente.
Severo Arevalo.
Calisto J. Rubio.

Joaquin Alcocer.
Candelario Martinez.
Sisto Arguez.
Francisco Lisarraga.
José M. Tonsum.
And thirty-seven other names.

J. DOMINGO RAMIREZ, *Secretary*.

No. 13.

[Translation.]

In the town of Jalpa, capital of the district of the same name, on the 25th of February, 1866, the undersigned citizens assembled, under the presidency of the chief civil authority, and the meeting being called to order, the circular from the headquarters of the eastern line was read, requesting the free expression of opinion about the continuation of citizen Benito

Juarez in office as president of the republic, in accordance with the decree of the 8th of November last; and considering that nothing is more just than to confirm, by popular vote, the worthy citizen who has given so many proofs of loyalty, patriotism, and abnegation in the sacred cause sustained by the nation, in his office, and to declare that the continuation of citizen Benito Juarez in power, under present circumstances, is in fact a guarantee of national independence and acknowledged principles, have proposed and adopted the following resolutions:

ART. 1. The inhabitants of this place unanimously favor the permanency of citizen Benito Juarez in the office of first magistrate of the nation, according to the principles established in the supreme decree before mentioned.

ART. 2. Let the original of this act be addressed to the citizen governor and military commander of the state for his superior information and consequent action.

Done in duplicate, and signed by all present, and attested by the secretary.

Feliciana Martinez.

José Rafael Ferrer.

J. Maricio Ferrer.

Manuel M. Caralvo.

Antonio Ortiz.

Sisto Garcia.

José Antonio Zapata.

Vicente Ferrer.

Pomposo Martinez.

Francisco Ferrer.

And fifty other names.

José D. GUZMAN, *Secretary*.

No. 14.

[Translation.]

In the town of San Marcos del Paraiso, on the 25th of February, 1866, a great number of inhabitants having met in the City Hall by special invitation of citizen Faustino Morales, subaltern civil chief of this place, who presided at the meeting and stated that a communication of the 25th instant, relative to the decrees issued by the supreme government of the republic at Paso del Norte on the 8th of November last, prolonging the functions of the actual president till the end of the foreign war, required the vote of the people thereon; and the decree prosecuting General Jesus Gonzalez Ortega having been read with the other, the vote was taken whether citizen Benito Juarez should continue to hold the supreme power of the republic. It was resolved that as there were good and powerful reasons for the supreme government to issue those important documents, as, owing to a state of war, no election for his successor could take the place; and considering that citizen Benito Juarez, for the constancy and firmness with which he had sustained the honor and integrity of the nation in its prolonged contest with France, not only deserves the public confidence of his fellow-citizens, but deserves to be made perpetual president of the magnanimous and powerful Mexican republic, because he has won a reputation for it far superior to the decrepit nations of Europe, and has sustained its standard with dignity, maintaining the national autonomy, which has never swerved from the great principles contained in the code of 1857; the people therefore will that he continue in command according to the prescriptions of the said decrees, and adopt the following resolutions:

1. The inhabitants of the town of Paraiso, loving and admiring the great civic virtues that adorn the enlightened citizen Benito Juarez, and having a decided confidence in his loyalty, constancy, and abnegation in defence of the independence of his country, all agree that he shall continue to direct the supreme destiny of the country, as directed by the decree of the 8th of November last.

2. That a copy of this act be sent to the civil chief of the district, to be communicated to the superior government of the state and to the chief of the eastern line, giving the opinions and votes of the subscribers.

And thereupon the meeting adjourned, after the act had been signed by all present and by me, the secretary, who testifies to the same.

Faustino Morales.

Francisco Magaña.

Gabino de los Santos.

For citizens Florencio Tejada, José

Angel Tejada, and Luis Alejandro—

Francisco Magaña.

Cenobio de los Santos.

For me and citizens Bonifacio

Coliado, Juan Hidalgo Bal-

boa, José Maria Sanchez, and

Joaquin Pelegrino—Castulo

A. Vera.

And forty-one other names.

This is a true copy of the original, and I certify to it.

PETRONILO MAGANA, *Secretary*.

No. 15.

[Translation.]

In the town of Santa Cruz de Chichicapa, district of Comalcalco, on the 3d day of March, 1866, the inhabitants assembled in the town hall by invitation of the subaltern civil chief,

who read a communication from the commander of the eastern line, submitting an important question to the decision of the people, namely, the attempt of General Jesus Gonzalez Ortega to rob the presidency from the worthy citizen Benito Juarez. Considering that the supreme decree of the 8th of November last, issued in Paso del Norte, is a just and necessary measure, as it saves us from a crisis, because an election for president cannot take place, on account of war, in accordance with the fundamental code of 1857, and as citizen Juarez could not vacate the place, because citizen Gonzalez Ortega, who was to fill it, was absent at the time; and whereas war should settle all home disputes, the people of Chichicapa, free to vote on national questions, have agreed upon and adopted the following resolutions:

1. The well-deserving citizen Benito Juarez, as the only man whom the Mexicans have trusted and can trust, is acknowledged and shall be recognized as President of the republic.
2. We reject the protest of General Jesus Gonzalez Ortega against the supreme decree of the 8th of November last, with all our energy and power.
3. We also reject any other future protest that may be made against the acts of—[rest of the pamphlet is wanting.]

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, June 14, 1866.

MY DEAR SIR: I have the honor to transmit to you the copy of a letter I received yesterday from a reliable person in Bordeaux, dated the 31st of May last, giving me some important information relative to the intentions and plans of the French government in regard to Mexico. You are a better judge than I am of the importance to be attached to the information I deem it my duty to communicate to your department.

I am, sir, very respectfully, your most obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

BORDEAUX, May, 31, 1866.

MUCH ESTEEMED FRIEND: * * *

An ex-minister of Maximilian writes from Paris to an acquaintance here, that since the Austrian volunteers that were about to embark for Vera Cruz were disbanded at Mr. Seward's request, an effort is being made to retain most of the French soldiers in Mexico under Mexican colors. I heard another person assure that a loan of six millions of dollars a year for four years was negotiating in France, to be secured by the pledge of mineral lands to be worked by a French company, with the privilege of shipping the ore to Europe to be reduced.

Don Manuel Larrainzar, who went to St. Petersburg as agent for Maximilian, to solicit the recognition of the Emperor of Russia, writes to an acquaintance on the 25th instant as follows:

"On passing through Paris I had a conversation with Mr. Drouyn de Lhuys; and, in spite of the opposition of a certain party and the embarrassing position in which the Emperor will be placed, I think the French government will examine Mexican affairs in all particulars, and will endeavor to solve them so as to leave the government of our august sovereign free and unembarrassed."

Señor DON MATIAS ROMERO, *Washington.*

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, June 14, 1866.

MR. SECRETARY: I have the honor to enclose to you, for the information of the government of the United States, a copy of No. 16 of the official paper of the government of the Mexican republic, dated the 17th of May last, embracing two communications from General Corona, chief of the brigades of Sinaloa and

Jalisco, dated the 21st and 23d of March last, containing his official report of the advantages gained by the national forces in the first of those states mentioned over the French forces and interventionists, from the 18th to the 22d of the month mentioned, in the vicinity of Mazatlan, and the answer of the minister of war to those communications on the 9th of May last. The annexed paper also contains a communication from the governor of the state of Sinaloa, dated 7th of April last, transmitting a note of General Corona giving an account of other advantages over the interventionists at Gaudalupe, and the minister of war's answer thereto, General Don Ignacio Mejía, in the president's name.

You will also find in the same paper the official report of General García Morales, governor and military commander of the state of Sonora, on the taking of Magdalena, a town of that state, garrisoned by interventionists.

I accept the occasion to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From No. 16 of the official papers of the constitutional government of the Mexican republic, printed at Paso del Norte, the 17th of May, 1866.—Translation.]

REPUBLICAN ARMY—UNITED BRIGADES OF SINALOA AND JALISCO—GENERAL-IN-CHIEF.

On the 18th instant the enemy, to the number of four hundred French and six hundred traitors made their appearance. Commander Miramontes drove them back from Urias to Castillo. Commander Pintado marched out with a squad of the liberty guides to reconnoitre and protect Miramontes. He met the enemy at Quemado, a vanguard of traitors and African hunters, and drove him back to Castillo, killing six, picking up two muskets, two lances, and a sword; we losing one second sergeant killed, and one first slightly wounded. The enemy remained at Castillo that night, and Commander Pintado continued his reconnoissance in front.

On the 19th the enemy set out for Presidio, and I started towards Quemado, by Mariel, with the first and second sections of the Ligera Mixta, to flank him. We reached the main road by noon, and found the enemy had passed. Lieutenant Colonel Parra, with a part of Ramirez's corps, brought up the rear, together with the second brigade and the Guías de Jalisco. Before reaching the river we learned that the enemy had encamped on its banks. I ordered Lieutenant Colonel Parra to take a circuit to the river, and General Gutierrez to do the same by another route. They both reached the river at two o'clock in the afternoon without accident, and found themselves facing the enemy in Persidio. On our approach a column of French rifles marched down the bank of the river in front of us. I re-enforced Parra with a company of Guías de Jalisco, and ordered him to charge the enemy on the right flank, which he did with so much spirit that the traitors were repulsed with the loss of many killed, and, among them, the famous assassin Mauricio Castañeda. The second brigade, with two mountain howitzers, attacked the centre. The Ramirez brigade fell on the left flank of the enemy, and, after a hard contest, succeeded in driving him to the suburbs, breaking his line of battle. Want of ammunition caused the attacking party some anxiety, until it was supplied by the first brigade. The attack was now renewed with such force the French were forced into the town, where Colonel Tolentino compelled them to capitulate. While negotiations were pending the enemy was re-enforced, and our troops had to retire precipitately, leaving two howitzers in the enemy's possession. I withdrew to take care of my wounded, and ordered Colonel Parra and Lieutenant Colonel Francisco Tolentino to annoy the enemy, supported by General Gutierrez.

As I have no reports yet, I cannot say how many men we have lost, but I know our loss is considerable. Among our officers, Lieutenant Colonel George Granados, Commander Miguel Peregrina, Captain Geronimo Saavedra, and Lieutenant Tiburcio Serrano were wounded. The enemy's loss is great, for I have seen many dead French and traitors on the field. Most of the traitors scattered, and twenty-three have come into my lines.

There was a slight skirmish about night. Commander Donato Guerra reports that he attacked the enemy at Palos Prietos, and drove him into the town.

On the morning of the 20th Commander Pintado attacked the enemy near Aguacaliente, and drove him from his trenches, with the loss of only six killed. Firing of artillery and musketry was continued during the day. At night the traitors and French tried to water some horses at the river, but we drove them away, killing three of them.

You will inform the minister of war that I will give a detailed report as soon as I can get the necessary information.

Independence and the country! Camp at Garita, fronting the Presidio, March 21, 1866.

RAMON CORONA.

Citizen GOVERNOR OF THE STATE, *Culiacan*.

No. 2.

[Translation.]

REPUBLICAN ARMY—UNITED BRIGADES OF SINALOA AND JALISCO—GENERAL-IN-CHIEF.

CITIZEN GOVERNOR: I have already given an account of events at Presidio up to the evening of the 20th instant. There was a little firing that night. On the morning of the 21st the enemy again approached the river and was driven back with no loss on our side. The next day there was a skirmish in which we lamented the loss of our brave Commander, C. Juan Miramontes.

At seven in the evening the enemy attracted our attention in several places, and finally escaped towards Balamo, along the river road. At eight all our line was on the move, and I ordered Colonel Francisco Tolentino, with a part of his corps, to cut off the enemy's retreat, which he did; however, the land was so broken and the enemy's hurry so great, he managed to get by, and we had to follow him with the cavalry, under Colonel Eulogio Parra and Commander Leonardo Pintado, a league beyond the river.

The narrowness of the road prevented the effective action of the cavalry. In view of this, I ordered a portion of the infantry in front, under Captain Nofiega and Commander C. Ascencion G. Calvillo, as aid. They pursued the flying enemy till five in the morning, when we stopped to rest, as our forces were much fatigued, and the enemy had got under shelter of their gunboats. He left three dead. We lost two men at Balamo, and Captain Maximiano Ramirez was wounded; further on, another soldier was wounded, and before we arrived at the river bank one of our men was killed and two wounded in the Degollano battalion. After setting fire to some houses in Presidio, and destroying a cotton factory, the enemy retreated rapidly, closely pursued by our men, and left the following effects on the road: 7 loads of ammunition, 98 muskets, 2 mountain pieces, 15 sacks of flour, sugar, bread and coffee, 5 loads of baggage, 27 harnessed mules, and 5 horses.

On my return to Presidio I ordered the tents to be struck, and 82 bodies to be buried; 61 of these were republicans, whose name, rank, and station are on the list; 76 were wounded, which I sent to the hospital. These events happened from the 19th to the 23d of the present month. You will perceive that the number of killed and wounded is about equal; but I account for this by hearing that the enemy took no prisoners, for the 15 that were taken from us on the 19th were shot as soon as all important information could be extorted from them.

400 French and 600 traitors left the port with six mountain howitzers and one field-piece; and 250 French, with 77 wounded, and 250 traitors, with 20 wounded and 3 field-pieces, left Presidio at the same time.

I am trying to find if the missing pieces are buried or hid in the thicket. The French at the port speak in terror of the bravery of our soldiers, and in fact I must say they all did their duty.

I send you this communication for the information of the war department.

Independence and liberty! Union Villa, March 23, 1866.

RAMO CORONA.

Citizen GOVERNOR OF THE STATE, *Culiacan*.

No. 3.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

By your communications of the 21st and 23d of March of this year from the chief of the united brigades of Sinaloa and Jalisco, the citizen president of the republic is informed of the military operations on the 18th and 22d of this month, in which 400 French and 600 traitors, with six pieces of artillery, were driven out of Mazatlan and pursued as far as Presidio.

The persevering courage of our troops in pursuit of the enemy as far as Presidio, causing him great loss, has broken up his intended expedition into the interior, and been of signal service to the national cause. The enemy must now be convinced that it is impossible to subjugate us, as the patriotism of true Mexicans cannot be extinguished.

The success of the strategy of the general-in-chief of the united brigades of the Sinaloa and Jalisco, and the worthy conduct of his subalterns in the different engagements, shows that the expedition has been properly conducted, and the triumphant result gives great satisfaction to the citizen president, who instructs me to congratulate you, and give you his most cordial thanks.

Independence and liberty! Paso del Norte, May 9, 1866.

MEJIA.

Citizen GOVERNOR AND MILITARY COMMANDER
of the State of Sinaloa, Culiacan.

No. 4.

[Translation.]

DEPARTMENT OF GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SINALOA.

The citizen general-in-chief of the united brigades of Sinaloa and Jalisco makes the following communication to this government, from the Labor estate, on the 6th instant:

General Guzman writes me on the 24th ultimo that his brigade was surprised in Guajicori, at eight o'clock in the morning, by a large body of Lozada's traitors, and the town was set on fire for the fourth time. He has not yet given me an account of his losses. On the 27th he writes me from Agua Caliente that all his scattered forces have not yet been collected; that he laments the loss of Major Francisco Cruz Peña, Santos Flores, lieutenant of the fourth company of the Pueblos Unidos battalion, and twelve men, names unknown. He does not know the enemy's loss, though he saw several new graves near the Guajicori church, and knows that one corpse was carried as far as Acaponeta. He says 500 Indians from Nayarit came down to join him on the 26th. On the 29th Lozada entered Rosario with 2,000 men and a battery of field-pieces.

Lieutenant Colonel Donato Guerra reports on the same day that he had a skirmish with the enemy at the port of Mazatlan, a short time before he left.

Six or seven hundred French and traitors, with four pieces of artillery, left the port on the 30th and camped at Palos Prietos. The next day they went to Higuera, and Lozada left Rosario for Agua Caliente.

While the enemy was taking all these turns, I missed several good opportunities for a fight.

At seven in the evening of the 31st I saw the citizen governor of the state, who had just come by forced marches from Culiacan. I consulted with him about the situation, and we agreed to attack Lozada on his march. Munitions arrived at ten at night, and our troops were supplied. The citizen governor started for Verde with forces to attack Lozada, and I set out towards Siqueros, to cut off the French.

On the 1st instant, at five in the morning, our scouts reported that the French from the port were advancing upon Siqueros. I ordered Colonel Farra to send Lieutenant Colone Manuel Crespo, with a part of the Ramirez corps under Becerra, to Verde, and commanded Lieutenant Colonel Donato Guerra to watch the port with Crespo. General Gutierrez started towards Verde with the second brigade, but learned from General Rubi on the way that Lozada had entered Concordia, five leagues from Verde, on the morning of the 10th.

It was noon, and our forces had not concentrated. Colonel Crespo informed me that the enemy had encamped in front of Siqueros, five leagues from Verde, and our advance was in sight. It was agreed to attack Lopada in Concordia, and Noriega was sent to join Crespo with his infantry. Before reaching Concordia, General Rubi branched off to the left with a part of the first brigade and one cannon, and the Guías de Jalisco, to flank the enemy. General Gutierrez kept the main road with part of the second brigade, two cannons, the rest of the Ramirez corps, the Guías de la Libertad and the Hernandez corps. I followed General Gutierrez.

At six in the evening General Rubi began the attack on the left flank. General Gutierrez's column made an advance and established a battery that did good execution. The Degollado battalion threatened the right flank, and the rest of the infantry charged upon the centre boldly. The cavalry then came into action, and rushed so desperately upon the enemy that in less than one hour he scattered and left us masters of the town.

Night now came on, and as it was very dark, and our soldiers might fire on each other by mistake, I ordered General Rubi to beat a retreat in good order. This was elegantly executed under the direction of Colonel Alejandro Hernandez and Lieutenant Colonel Abel Pereira, both of my staff. The ground was so uneven here, I ordered part of the cavalry to Jacobo, and the rest, with the infantry, to Copala, postponing the attack indefinitely, as I knew the enemy was to be re-enforced the next morning.

Our losses are insignificant; but we have to lament the death of the brave and distinguished General José M. Gutierrez, chief of the second brigade, and of the valiant Colonel Osofre Campaña, from Cosala, leader of the Victoria battalion. I don't know the enemy's loss; but it must be considerable, though half of the force scattered in dismay. I will give the particulars as soon as obtained.

The report of artillery on the 2d, in the direction of Siqueros, informed me that the enemy

was resisting our troops in that quarter; so I ordered General Rubi to their assistance with infantry, while I went towards Bajío with the cavalry in the evening. Colonel Parra informed me that same day, the 2d, that he arrived at Jacobo at the same time with the Pameco battalion, under Colonel Martinez. Lozada attacked them at two that day with cavalry and infantry, but was routed and pursued as long as the ammunition held out. The enemy's killed are found all along the road from Jacobo as far as the pursuit lasted. We only had two soldiers killed. After a slight skirmish with the French that day, Crespo retired to Parras while they retreated to Cofradia, where they camped. Our men then returned to Siqueros.

On the morning of the 3d the French advanced upon Siqueros, but were driven back to Cofradia. One traitor was made prisoner. The French retreated next day to Presidio.

Colonel Guerra informed on the 4th that he approached the port the day before and provoked an attack from the enemy, with no bad results. He also says the French had joined Lozada, but their combined force is greatly demoralized.

That evening Guerra had a skirmish with the enemy at Palos Prietos. The gunboat Lucifer came up and our men had to retreat.

The same chief reports that on the morning of the 5th the French and Lozada were at Presidio, Pozole, and Garita; Lozada's forces so demoralized he could do nothing with them. Up to the last account Guerra's advance was at Palos Prietos, while he remained at Venadillo. A report from the same chief says that Captain Zuniga, of the Miramontes corps, gave notice that the enemy was encamped at Urias and Castillo. Guerra was preparing to attack the port the next day; but learning that the French were advancing in force upon him, he retreated with the loss of one soldier, and the French re-enforcements succeeded in getting to the port.

As soon as I can ascertain the number of my killed and wounded, I will make an official report, from the 1st to the 5th.

I cannot be partial in the recommendation of my officers, for they have all done their duty; their courageous behavior has forced respect from the invaders, and has won the admiration of every republican. I cannot sufficiently praise the conduct of the inhabitants of the districts invaded by the hordes of Lozada. With the single exception of Rosario and Zavala, all the inhabitants left their houses and property to destruction.

The state of Sinaloa may be proud of her sons, for they are true patriots, preferring poverty to the protection of the invaders.

I make this communication for the information of the war department, by instructions from the general-in-chief of the united brigades, as well as for the information of the citizen president of the republic.

Independence and liberty! San Ignacio, April 7, 1866.

F. SEPULVEDA.

Citizen MINISTER OF WAR, *Paso Del Norte*.

No. 5.

[Translation.]

DEPARTMENT OF STATE AND OFFICE OF WAR AND MARINE—SECTION FIRST.

By your report of the 7th of April, the citizen president of the republic is informed of the important movements of the general-in-chief of the united brigades of Sinaloa and Jalisco, which broke up the expedition of Lozada and his French allies, by an attack at Concordia, forcing them to retreat in great disorder, and seek refuge in the port of Mazatlan, protected by the gunboat Lucifer, stationed there.

The citizen president instructs me to express his satisfaction at the courage of the officers and men who gained this great victory, the result of which is to embarrass the enemy and encourage our party to attack Mazatlan.

The citizen president regrets our losses, particularly the death of the valiant General José M. Gutierrez and Colonel Onofre Campana; also of Major Francisco Cruz Peña, and other officers and men who fell in the action, and contributed so much to its fortunate result. Please inform the general-in-chief of the united brigades of Sinaloa and Jalisco that the citizen president is much pleased with his conduct, and congratulates him on the happy results of the victory.

Independence and liberty! Paso del Norte, May 9, 1866.

MEJIA.

Citizen GOVERNOR AND MILITARY COMMANDER
of the State of Sinaloa, Culiacan.

PASO DEL NORTE, May 9, 1866.

MARIANO DIAZ, *Chief Officer*.

True copies:

No. 6.

[Translation.]

GOVERNMENT OF SONORA—REPUBLICAN ARMY, FIRST BRIGADE—GENERAL-IN-CHIEF.

CITIZEN GOVERNOR: As I informed you, and not to remain inactive while forces are collecting for action inland, I ordered a movement, which has resulted in the disarming of certain towns. On the 2d instant I set out from Banamichi, in great haste, to surprise Opodepe and Tuape, where I captured seventy muskets and a few horses.

On the night of the 4th I halted four miles from Gucurpe, having unexpectedly come up with the enemy at that place. I proposed a parley, which was answered by shouts for the empire by the defenders of the place. Having rested sufficiently, and observing that the traitors were preparing for resistance, I ordered three companies to advance in different directions, till they came within speaking distance of the besieged. This operation lasted one hour; then firing began on both sides, and continued till 2 o'clock, when the imperialists were dislodged from the house-tops and towers they were occupying, thanks to our sharpshooters on the slope of a hill near by.

At 4 o'clock a signal for parley was made. The rebel chief offered to surrender with a guarantee of life. This was granted, and the following articles were given up: 120 muskets, 2 chests of ammunition, 118 cartridge-boxes, and a few lances.

The garrison consisted of 115 men, 10 officers, the commander-in-chief, and ex-Lieutenant Colonel Don Manuel J. Castro.

Independence and liberty! Magdalena, April 6, 1866.

J. G. MORALES.

CITIZEN GOVERNOR AND MILITARY COMMANDER

of the State of Sonora, (wherever he may be.)

A true copy:

G. MORALES.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, June 19, 1866.

Mr. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, a lithograph copy in German, which I received by the last mail from Vera Cruz, of the proclamation dated the 19th of May last, addressed by the usurper Maximilian to the Austrian and Belgian troops in his service, informing them that they would hereafter be paid by the French treasury, thus removing the obstacles of pay caused by the financial crisis in the so-called empire.

I accept this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

To the officers, under-officers and soldiers of my Austro-Belgian volunteer corps:

Always mindful of the welfare and careful of the rights of my subjects, and remembering your oft-proved devotion and self-denial for my good during the present financial crisis, I have determined to accept the generous offer of material aid from France. From this time forward you will form part of one and the same division, you and your companions-in-arms, who are called to share your hardships and dangers. One administration will have the care of your general welfare; but you will retain your excellent organization and your officers, whose capability and courage has served so often as a good example on the battle-field and in the hour of victory.

Thus are your rights and your interests secured, and now trust your emperor, who will always confide in your courage and good discipline.

MAXIMILIAN, Emperor.

MEXICO, May 19, 1866.

THUN, General.

A certified copy:

Señor de Santa Anna to Mr. Seward.

NEW YORK, June 26, 1866.

His excellency honorable William H. Seward will please receive Captain H. S. Eyting as an envoy on most important business of mutual interests to the two republics, the United States and Mexico.

Captain H. S. Eyting is accredited with full powers to act as if I were present, and I hereby confirm all treaties made by him for myself.

I trust the honorable Secretary of State will discover in the proposals of my envoy cause of great interest and advantage to the United States, and trusting they may meet with favorable attention, I ask for my envoy and the propositions from myself, through him, the heartiest protection.

With sentiments of my most distinguished regard, I am faithfully yours fraternally,

A. L. DE STA. ANNA.

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, July 4, 1866.

MY DEAR SIR: Believing you will be interested in the reception of reliable information concerning the transport of foreign troops to Mexico, to sustain the usurpation of the ex-Archduke Maximilian, I take the liberty of enclosing to you, with this letter, No. 1870 of *Le Temps*, a French paper published the 18th of June last, in Paris, on the third page of which is an extract from the *Phare de la Loire*, of the 16th, reporting the departure of a detachment of the so-called Foreign Legion, composed of four officers and 190 subalterns and soldiers, from Aix to Saint Nazaire, to embark on the steamer *Emperatriz Eugenie* for Vera Cruz, and a number of Austrian officers, who were to have gone in the steamer *Tampico* went to Saint Nazaire to take the steamer for the same destination.

An English translation of the article from the *Phare de la Loire* is also enclosed.

Your most attentive and obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation from *Le Temps*, Paris, June 18, 1866.]

We read in the *Phare de la Loire* of the 16th of June:

"A detachment of the Foreign Legion, consisting of four officers, 190 sub-officers and soldiers, coming from Aix, arrived here to-day, at 1.40 p. m., at Mauves station, and started from there this evening by the 4.30 train, going to Saint Nazaire to take their passage on board the transatlantic steamer *Impératrice Eugenie* for Vera Cruz.

"A number of the officers of the corps of Austrian volunteers, who were to have left for Mexico by the *Tampico*, but were forced to remain in Austria, have also reached Saint Nazaire, for the purpose of embarking for Mexico."

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, July 6, 1866.

MR. SECRETARY: I have the honor to remit to you, for the information of the government of the United States, a copy of No. 19 of the official newspaper

of the constitutional government of the Mexican republic, published at Paso del Norte the 7th of June last, in which you will see the official report which General Pesqueira, governor of the state of Sonora, gave to the department of war and marine on the 10th of May last, of the military operations of the forces of the united brigades of Sonora and Jalisco, under his orders, and which resulted in the taking of the city of Hermosillo, which occurred on the 4th of May aforesaid.

This occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration is very gratifying to me.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, June 7, 1866.—Extracts.—Translation.]

GOVERNMENT AND MILITARY COMMAND OF THE STATE OF SONORA—REPUBLICAN ARMY,
UNITED BRIGADES OF SONORA AND JALISCO.

Under date of 8th May, General Martinez makes to these headquarters the report following:

On the 1st instant I set out from this point to attack Hermosillo: bivouacked in the field in front of San José de Pimas. On the 2d reached Zubiate, and at night halted near Hermosillo; at dawn reached the suburbs.

Before reaching Zubiate caught some scouts of the enemy; made three prisoners; the officer in command escaped.

Two leagues from Hermosillo we met some twenty men of the enemy's advance; killed three, took three, and scattered the rest. Among the killed was the commander, the traitor Captain Estrada. Learned from the prisoners that Hermosillo was garrisoned by about 300 men, among them fifty of the Foreign Legion, all under orders of the traitor José M. Traquilino Almada.

The scouting detachment, which took the direction of Guaymas, captured two officers—the one a Mexican, the other a Spaniard called José de la Rosa, adjutant to Almada. He was shot; the Mexican was forgiven.

The enemy was checked in several attempts to get off. He made a sally on the Guaymas route, which was covered by the scouting party under command of Petronilo Silvia. On the 4th I began the attack on the height defended by the Foreign Legion. At half-past nine we were masters of the place; part of the Foreign Legion escaped with Almada. The enemy abandoned more than 200 muskets, two pieces of artillery, and their munitions. I found many dead, most of the Foreign Legion. Our loss was small, about thirty killed and wounded.

Some repetition of the same report is made by Colonel Morales, which in due form is despatched to the government by Pesqueira, governor of Sonora.

[No other mention is made of foreigners than as members of the Foreign Legion; none whatever of American citizens.—Tr.]

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, July 8, 1866.

MR. SECRETARY: Although I presume that you have received through the United States legation in Paris the series of documents* on the Mexican question presented in June last by the French government to its legislative body, and published in the *Moniteur* of the 10th and 11th of June, I take the liberty of sending you an English translation of them with this note. I enclose to you also the debate of the 13th in the legislative body on Mexican affairs, published in the *Moniteur** of the 14th.

* For these enclosures see enclosures to Mr. Bigelow's despatch No. 338, page 310, vol. I.

These documents give a new proof of the little sincerity of the French government in its pretexts for making war on Mexico.

In the ultimatum of the French commissioners, De Saligny and Rear-Admiral Jurien de la Gravière, made in January, 1862, at Vera Cruz, it was required (article 1) that Mexico should pay France twelve millions of dollars in cash and without examination, as indemnity for all claims caused by injuries to French subjects up to the 31st of July, 1861.

This was done at the same time that the French minister of foreign affairs acknowledged officially that Mexico could make no cash payment.

Now—that is, after five years' war—when the damages to French subjects on account of it must be much greater than in times of peace, when the Emperor of the French is not treating with the national government of Mexico, which it sought to destroy and establish a monarchy upon its ruins, but with its mannikin, the so-called chief of the monarchical force established by French bayonets and supported by French gold, the Emperor Napoleon consents to receive forty millions of francs, or eight millions of dollars, as indemnity for all damages up to September, 1865, and to take that sum in paper issued by fraud, pretending it is an obligation of the nation, when he who issued it has no right to do it, or to burden the nation in any way, and which paper, despite the efforts of the French government to give it value, is so worthless that nobody would buy it in France, according to late dates, unless they got five hundred franc bonds for one hundred and seventy francs.

We cannot find out by this computation what it has cost the French government to effect the arrangement, but it must be at least four times the sum it now agrees to accept as indemnity to French subjects.

This alone shows that the object of the war made by the Emperor Napoleon on Mexico is not to obtain reparation for supposed grievances, as was pretended, but to overturn a republican government and commence a monarchical propaganda in this hemisphere.

I also take the liberty respectfully to call your attention to Mr. Jules Favre's speech, and that part relating to the United States, of Mr. Jerome David, who was the spokesman of the French government.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, July 10, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, copies of a circular which I have had printed in New York, containing fragments of various letters taken from the French and Belgian soldiers who occupied Monterey and Saltillo in April last. The originals were sent to me by General Escobedo, the 27th of May, with his communication from Linares, published in the beginning of the circular, and another letter from Manuel Gomez, General Escobedo's secretary, dated Rio Blanco, April 26, giving many important particulars.

Though the intercepted letters give very inexact accounts of the situation, enough is said in them to show that the French soldiers are weary of the unjust war their government is forcing them to make on Mexico, without aim or object. They do not believe the so-called empire of the usurper Maximilian can be

established without a considerable re-enforcement of French forces; they ridicule the official declarations of the French government that peace is restored in Mexico, and many of them contend that the intervention is unjust.

The annexed circular contains only the most noted passages of the principal of those letters.

I am pleased to have the opportunity of renewing to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

French intervention in Mexico, as seen by their own partisans.

[Translation.]

LINARES, May 27, 1866.

VERY DEAR SIR: Douay's first expedition is at an end, with no damage but extensive robberies, called fines, in the places he occupied.

Houses were robbed in Rio Blanco, Galeana, and Iturbide, and a few innocent people shot by the bandit Dupin. Jeaningros retreated in double-quick, taking the shortest cuts, as soon as he heard of my approach. Yet we harassed him considerably, and many of his men deserted, for seventeen French and Belgians joined one of my officers.

The invading army is entirely demoralized, while I am pleased to see confidence and enthusiasm increased on our side. I have received some arms I bargained for, and hope soon to receive the rest, with plenty of ammunition; so that, with these and what you can send me, this army corps will soon be in a condition to attack the strongholds of the interior, with prospects of success.

My hard marches and occasional indisposition have hitherto prevented me from sending the important original letters which I now enclose. I think it would be well to print the most interesting of them, and put them in reach of the French people, who unanimously disapprove the intervention we are now opposing.

All the news we have from the interior is good. Public spirit is rising everywhere, and affection for the new empire is daily decreasing.

The clergy are disheartened because they do not find Maximilian to be the man they expected. The landed proprietors and merchants can do nothing, not even keep what they have; and, as they have no surety for peace, they want a change.

Finally, the traitors are disgusted with the frequent rebuffs of the French, and everything tends to exasperate the people against intervention and the abortive empire of Maximilian.

We have great hopes of success, and if we only had money it would soon be certain, and our triumph would be complete.

I am pleased to sign myself your friend and servant,

M. ESCOBEDO.

Citizen MATIAS ROMERO, in Washington.

[Translation.]

RIO BLANCO, April 26, 1866.

VERY DEAR SIR: General Escobedo sent you some original letters of chiefs, officers, and soldiers of the invading army, intercepted by our forces. Thinking it would be well to let them be seen by the French people, who acknowledge the justice of our cause, and censure Napoleon's obstinacy in meddling with our affairs, I have thought proper to make some observations, which may have some importance, as coming from witnesses of the facts.

The brave men who are defending their country suffer so many privations that, if their cause were not so holy, I am sure many of them would give up in despair. Our enemies have all the ports and many of the chief towns; so our means are reduced to the smallest scale. Our soldiers have scarcely the necessities of life, yet they always meet the enemy bravely, badly armed as they are, and worse clad, and suffering from exposure and hunger. The necessary continued action does not permit time to drill them and give them the proper discipline, whereas the enemy have all they want and are punctually paid; so it is not strange that masses of men superior to the French in numbers (though not as great as they represent it) give up or avoid a fight.

I am sure General Escobedo's army corps is better supplied, as we have only white cotton pants and sandals for our men. They have just made a campaign that nobody would credit who had not seen it. On the 23d, near Soledad, we learned that Dupin was coming with four hundred cavalry and two hundred infantry, with two pieces of artillery; and though we

were waiting for aid from Matehuala, General Espinosa determined to attack them with four hundred infantry and five hundred cavalry, in conjunction with General Aureliano Rivera. On the 23d, at five in the morning, after eating *pinole* without bread or cakes, our infantry marched out, and suffered for water till three o'clock, when they came in sight of the enemy. This was a company of considerable reputation, whose chief was very haughty. He did not wait for us, but began the attack with such boldness and confidence that his cavalry nearly surrounded our line; but, not frightened, we stood our ground for the first charge, and then rushed on them, repulsing them with considerable loss. I firmly believe that if night had not supervened their rout would have been complete; but it would have been very imprudent in us to continue the fight in the dark. General Espinosa, fearing the enemy might be re-enforced, ordered a retreat, which was effected in good order; and our fatigued men had to march back to Soledad, where they got the first meal they had eaten that day.

To march twenty-five leagues without eating for forty hours, fighting with an enemy well armed, equipped, and fed, is no ordinary labor, and could not be imitated by the haughty French. Yesterday the infantry returned to this place, twelve leagues, because there was no resting place at Soledad.

The French letters, as you may imagine, are full of exaggerations and foolish boasts: but they all agree in the idea that there is no peace in Mexico, and intervention cannot hold out without more French troops; and some confess that intervention is unjust and inexcusable. They are generally dissatisfied; they think there is no glory, and certainly no profit, in the campaign; and they are beginning to despair of the empire, because it is neither honest nor just.

The rout of three French companies on the first at Santa Isabel, near Parras, by a cavalry brigade of this army corps under General Treviño, with some Coahuila forces, has caused many absurd stories, which you will see in the letters. Without mentioning the 700 traitors that fought with the 200 French, they want to make the world believe that they alone fought against four or five thousand of our men. Their official report is very far from true; but you will find the whole truth in General Escobedo's report. When they take one of us prisoner, which is not very often, they spare his life and boast of it, while we have more than seventy French prisoners and spare them; yet we are called bandits and assassins. Here where I am now writing I am looking on the ruins of four of the best houses in the town, burned by the French last December because they belonged to persons in our army. The town was sacked, and few houses are left in which they did not destroy the furniture. Thus they make war on us, and with the odious decree of the 3d of October they cry to Heaven, calling us barbarians incapable of self-government, because we take food and horses where we can find them, and impose loans from necessity and stick to a cause as sacred as our own existence.

The citizens of Mexico had better perish than give up the independence of their country.

We have no news from the interior; but the papers in the capital announce that each day brings trouble to the empire; rebellions spring up on every side, and the clergy no longer offer the support they promised. Now that there is so much trouble in the States of Tamaulipas, Coahuila, Nuevo Leon, and San Luis, the centre will have time to rest, and our brothers can recover their accustomed strength.

We are united and compact. The presidential question passed without disturbance, and we continue to acknowledge the government of Señor Juárez. It is the same in the interior; and the liberal newspapers, even in towns held by the empire, defend our cause. We need arms, particularly sabres for cavalry. It is impossible for us, armed only with a rifle or musket, to contend with the French, Austrian, or traitor cavalry, all well armed, mounted, and equipped; yet we do not shun battle, and have often whipped them in fair fight. If you can send some of these articles to this army corps it will give a new impulse to the national cause.

I hope you will consider this letter as the expression of a Mexican who loves his country, and wishes, when it is spoken of in Europe, that the truth may be known, so that good men may not be deceived by persons like Forey, who think they know a country they have seen in arms and examined from camps.

I remain, Mr. Romero, your very attentive and humble servant,

MANUEL GOMEZ.

Minister Don MATIAS ROMERO.

[Translation.]

Mr. Malglaive, a French officer, writes to a friend, whom he addresses as "My dear Jules," a letter, dated Monterey, 13th of March last, containing these passages:

"We are running like crazy people after an enemy that can't be caught. I don't think they have the facts in France; I fear not; they would change public opinion.

"If there is any good sense in the Mississippi country, there is something bad there, too. The capture of Bagdad by their regiments frightened them, and now they are as gentle as lambs. Yet it was a good time for war. The indirect encouragement they give to the bor-

der bands only prolongs an absurd contest that will ruin the country and be fatal to us. The situation is the same; we do not advance towards peace.

"If the Emperor will not withdraw his forces till the present empire is firmly established, he will have to keep them here for twenty or thirty years!"

The same officer, in another letter from Monterey, of the 23d of the same month, says:

"The merchants of Tampico have lost 500,000 dollars through the second commander, who could not protect a convoy he persuaded the traders to accept and organize. The people are becoming discouraged, even the best disposed, because, after persuading them to defend themselves, we desert them and leave them at the mercy of bands that assemble to crush them. It is said Maximilian declared he was beloved by his people, and had no need of assistance. I think he is mistaken; but maybe he is wiser than many who think him a fool, and the number is large. He says: 'Peace is firm, and the government founded upon the wishes of the people is strengthening.' A man must be very impudent to tell such lies to a nation as is done every month through the *Moniteur* to France. We did wrong to come here; we should have declared our wishes; but the wine is drawn and we must drink it; we are compelled to accept the situation.

"Except Vera Cruz, which communicates with the interior, all the other ports are blockaded by rebels, and the revenues are lessened so much. If you have money to invest do not put it in Mexican loans, public or private.

"If you have friends who wish to emigrate, dissuade them from these shores, falsely said to be covered with golden sands."

Another French officer, who does not sign his name, but writes on paper stamped A. R., from Monterey the 17th of March, speaking of Commander Briant's check at Parras, says:

"Seven officers were killed, and one prisoner with twenty men. Thanks to Treviño they have not been shot; and yet, from the way we behave towards them, they ought to have been.

"If our prisoners continue to be treated as they have been for some time back, it will give us a good lesson of clemency. But we dread it almost as much as the execution of our comrades.

"This is a sad war, a distressed country. Maximilian's arrival has made intervention impossible, and his policy is detested everywhere, by all parties."

On the 23d he said:

"Supporting a stupid cause, not to the glory of the country nor for the peace of the home-
stead, without the inspiration of the sacred fire of a noble cause, I see the years roll on. I will not write much; but let me tell you, both the emperor and we are disappointed. Intervention will fail; there is no longer any confidence; the empire has no faithful partisans; the clerical party is hostile, and the liberal party is making open war upon it, or betrays it. In a few years Maximilian the adventurer will return to Miramar to enjoy the luxury of his gains in Mexico. It is French money he will be spending, for the French treasury pays all expenses here, civil as well as military, Belgians and Austrians.

"Poor France! How they rob you of your treasure and spill your blood! Maximilian only reigns where his armies are stationed; there are some cities that have changed govern-
ors three or four times in one year."

Mr. G. Colné, a French officer, writes from Monterey the 24th, to a certain Mr. Bernard:

"Affairs could not be in a worse condition than they are at present; all is anarchy; everything totters and tumbles on all sides. Many of our pretended friends are false, and of late fortune has gone against us. We take no prisoners now, and the wounded are despatched; it is a war of savages, unworthy of Europeans. The Belgians with us are dissatisfied, and want to return by the first of September. Such is the aspect of military affairs, not to mention Americans and niggers who often join the rebel bands, to the number of two or three thousand, and sometimes more. Such is our condition after four years shooting and murdering in every direction. That will show the affection the natives have for us.

"As to civil affairs, there are no civilians but those who have all to gain and nothing to lose by accepting service under the tottering empire. The treasury is empty; there is not a city that can pay its own expenses; and yet the custom-houses charge high rates for everything, making living very expensive.

"In conclusion, the general opinion is, among French as well as foreigners of all nations, that we are in a desperate situation, which is growing worse every day; and after suffering incredibly and spending millions we will have nothing to show for it."

Another officer, whose signature seems to be Duley, sends this short missive to his mother:

"MONTEREY, March 25, 1866

"DEAR MOTHER: I have returned to Monterey after an expedition of one month into the country. Affairs are no better. Three companies of our regiment were entirely destroyed in a fight with the liberals, and yet the French government persists in declaring the country at peace. I am in good health, and wish you the same."

[Translation.]

"MEXICO, April 23, 1866.

"To General DOUAY,

"Commander of the First Division, Saltillo :

(After a long talk about wine and brandy intended for the general's table, the letter continues thus :)

"Affairs are becoming more and more pleasant in Mexico, I have charge of the Belgians and Austrians, the greatest spendthrifts in the world. There is something in the public horizon, and I think it will lead to Maximilian's departure. If we retire the German power is lost. Such is the reward of four years of war and labor. I have nothing more to say ; but if I could have an interview with you I could tell something that would astonish you.

"I repent the assurance, dear general, of my most distinguished consideration.

"TISSEROT,

"Intendent for two months and fourteen days."

[Translation.]

"CORPS OF MEXICO, CABINET OF THE MARSHAL-IN-CHIEF,

"Mexico, April 22, 1866.

"To Commander SEIGLAND,

"Aide-de-Camp of General Douay :

* * * * *

"You tell me that the general was displeased because his excellency did not let the base calumnies against him go unnoticed. It is certain that the general's reputation would not have suffered more by it in the eyes of the Emperor than in the opinion of the marshal.

"It would be hard to discover the origin of the information, and the marshal says it would be giving too much importance to the report to investigate its source. We heard it through the chief of police, who is not to be found, but who thought it well to tell us of it before communicating it to the Emperor's cabinet. That is what I had to communicate. Now I must tell you confidentially something to be known only *entre nous* : I don't admire the young people you have around you. They are all agreeable, even those without epaulets, and I should not dislike them ; but they are too young, and youth cannot have sense. They think their general must coincide with them in opinion, and they write to France stories that are perfectly miraculous. I know General Douay's upright and loyal character too well to attribute to him the nonsense that is circulated in the French capital, and which comes back to me in the strangest manner possible.

"L. DE NOUE."

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, July 13, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the copy of a letter I received from General Diaz, chief of the oriental line of the Mexican republic, dated at Tlapa the 9th of May last, informing me of the military operations of the forces under his command in the State of Oaxaca, together with the copy of a communication dated the 15th of June last, and addressed by General Garcia, second in command on the same line, from Amatlan, to the minister of war and marine of the Mexican republic, informing him of the movements recently taken place on the southern coast of the State of Vera Cruz, and chiefly in front of Tlacotalpam, now held by the French. I also enclose the two reports to which the said communication refers.

I am pleased to have this occasion of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

TLAPA, May 9, 1866.

MUCH ESTEEMED FRIEND: Your letters of the 22d of February and 23d of March last have just reached me, and inform me of the good aspect of our affairs in that country. They also tell me of your inability, up to the latest dates, to raise the means I so much need to effectual service. I wish to quit the skirmishing in which I am engaged as a pastime. but to operate on a great scale requires money; for without it, the men I can raise are of no service.

I have also received the government orders making me commander-in-chief of the eastern line, a proof of confidence I will remember with pleasure. I cannot say much about our situation here. When orders reached me I could have crossed to the other side of the State, (Oaxaca,) but as the enemy has only one point to watch, he could bring all his forces upon me, and as skirmishing did some good, I determined to remain here to wait for supplies, so that I could cross over with some advantage. So if the enemy attempts to move, we can threaten him and hold him in check.

There is another reason: I could have more resources and elements of war in those towns, but the men are not so fit for service; being further south, they wish to fight in their own sections. As the resources are on that side, and the men on this, it is best to divide them. If I can do it, I will take men from Mixteca, the valley of Puebla, and Tlaxcala, who are disposed and can place confidence in me. If I cannot get means from you, Garcia, or elsewhere, I shall have to give up my plans and cross the State and do the best I can.

I will give you some brief details of my late operations. After my return to the coast from Mixteca, which I did in good order, though the enemy followed me closely, I changed my base of operations. One column followed me from Mixteca, and learning that another was coming from Sola and Juquila, I hurried and reached Pinotepa before them. There I stopped till both columns united, and then I went to Lo de Loto, where I waited for the enemy until the 25th of February. He succeeded in scattering my advance, and not one man got back to camp, and the first thing I knew the enemy was in front of me. I effected a retreat, moving to Ometepec and leaving my cavalry under the command of General Leysoa, with orders to cover our march. That incident interrupted my plans.

The enemy's cavalry attacked us twice and were repulsed both times. I lost one officer, Manuel Alberto, in the skirmish, killed three of the enemy, wounded many, and took one prisoner.

I got some supplies in Ometepec and marched hurriedly to Janietepc. The enemy was surprised to hear I was a day's journey in a direction different from what he thought. I suddenly countermarched towards his base of operations, and attacked him with such success that we captured 232 muskets and some ammunition.

On the 14th of April I marched to Putla with a small force and routed a detachment of 200 men. On the 25th I gathered all the enemy left, secured transportation for the booty, and went on the next day to Tlajiaco. The garrisons of that place, Tastlahuaca, and Huajuapam, had gone to Teposcohila. I advanced to Tolomecal, which the enemy had left for Tantzeczan. They heard of my movements in Oaxaca, and the enemy was re-enforced. I then countermarched to Tlajiaco, to surprise the Austrian garrison, but it had retired and joined the main body of the army.

My movement upon Tlajiaco produced the good effect of calling the enemy's attention in that direction, supposing I was going to attack in force, and General Leysoa reached his place of destination in safety.

I think to remain here some days to rest my troops and equip others with the arms I took from the enemy, and do other things which I need not mention.

My great trouble is want of means. I am invited by all the towns, that offer me men and the arms the empire has furnished them, but I have no money to pay them, and I prefer the small force I have. If I had means I could enlarge my force and march where there are wealthy traitors and make them pay the expenses of this war. My expenses are small; my soldiers only get twelve cents a day, and often less, and the officers serve without pay.

Some advise me to levy forced loans upon the towns, but I do not think it best; extortion is contrary to my nature, whatever Forey may say to the contrary.

I have had the last government decrees published. The first, prolonging the presidency, was very favorably received. I have not mentioned this to you before, because I considered it my duty to obey or resign. The plan seems to me not only the best, but the only one to be adopted.

The decree for the prosecution of General Ortega and other officers like him is in accordance with the rules and practices of the army. I believe in the rigor of martial law, and I think the government has done exactly right.

I beg you will continue your favors, while I remain your friend and servant,

PORFIRIO DIAZ.

Señor Don MATEO ROMERO, Washington.

No. 2.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE—SECOND GENERAL-IN-CHIEF—

AMATLAN, June 15, 1866.

The certified copies of the reports of the chief advancing on Tlacotalpam, which I enclose to your department, will inform you of the principal movements against the enemy holding that place taken place since my last communication, in which I informed you of its occupation by the imperial forces and five French war vessels, and of our encampment at Mototeppec, only two leagues from that city, where our forces now are and will remain some time.

You will see by the last report that our camp has been moved from Mototeppec because the enemy was re-enforced in Tlacotalpam, and their gunboats prevent us from attacking the place. They bombarded us on the 6th, and destroyed a number of houses, doing much damage to the inhabitants.

Another reason for our move is, the rainy season has begun, and the marsh lands of Tlacotalpam are not healthy, and we were compelled to go to some higher region till the rainy season is over. After a rest in a more healthy region we may attack the enemy with more courage, and perhaps succeed in driving him from Tlacotalpam, the only place he has been allowed to hold in the line of my command.

I communicate this for the information of the President of the republic.

ALEJANDRO GARCIA.

The MINISTER OF WAR AND MARINE.

No. 3.

[Translation.]

MEXICAN REPUBLIC—ADVANCED SECTION ON TLACOTALPAM—COLONEL-IN-CHIEF.

CITIZEN GENERAL: Yesterday morning, at eight o'clock, the enemy, to the number of two hundred infantry and cavalry, sallied out of the city upon our advance, trying to surprise Commander Eulalio Vela, who was in ambush to watch the enemy hunting cattle. The consequence was a conflict which resulted in our favor, though Commander Vela had but one hundred men of both kinds.

The enemy fled in haste, leaving their dead in our hands.

When the skirmish began I moved with a column to threaten Fort Hornos. The enemy came out, but soon retreated with the loss of three men and four horses.

Commander Vela, whose bravery on this occasion corresponded with his reputation, received three bullet wounds, but did not leave the field till the enemy was driven back to his trenches. Lieutenant Lili was also wounded on an occasion that makes him worthy of recommendation. We had but two of our men killed, while the enemy paid dearly for his audacity. As soon as I heard Commander Vela was wounded, I sent Colonel Pablo Diaz to his aid. We buried six of the enemy found killed in the camp he had deserted. We also got three horses, fourteen percussion rifles, one sabre, harness, and some very bad provisions. We released two prisoners that had been forced into the enemy's ranks. We learned from spies that the enemy had sixteen wounded.

On this occasion the gunboats could be of no service to the land forces because they were too far off, and the French marines despise the land forces and show contempt for them.

This I communicate to you for your information, congratulating you on the happy event that once more proves the valor and resolution of our troops.

Independence and liberty! Camp near Tlacotalpam, May 25, 1866.

FRANCISCO CARREON.

The SECOND GENERAL-IN-CHIEF of the Eastern Line, at Amatlan.

AMATLAN, June 15, 1866.

I certify to the above copy:

J. A. RUIZ, Secretary.

No. 4.

[Translation.]

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE—SECOND GENERAL-IN-CHIEF.

CITIZEN MINISTER: Colonel Francisco Carreon, chief of the advance on Tlacotalpam, reported to me yesterday from the vicinity of that city, as follows:

"CITIZEN GENERAL: Having fixed upon a plan with Lieutenant Colonel Diaz y Lagos to attack the enemy in his lines, that officer marched with his section at daybreak along the

river and began the battle. He was received with artillery and musketry, yet his brave men charged with the shout of *Viva la republica*, and drove the enemy from his trenches. The rangers then made an attack on the other side and succeeded in the object of their attack. Colonel Diaz y Lagos, having effected his design, retired without being molested. That brave officer and his valiant subordinates have demonstrated the true courage of the soldiers on the eastern line. When the firing had ceased in the direction of Ribera I attacked Fort Hornos with equal success. Lieutenant Colonel Ariza, at the head of a column composed of the second Zaragoza battalion and the Cosamaloapan, charged bayonets upon the enemy, who, however, held his position for a short time, and then suddenly fled to the city.

"During these skirmishes there were many personal fights of great honor to the republican soldiers. I then came to Lieutenant Colonel Ariza's aid with my Acayucan company, to drive the haughty imperialists from the heights, whence they kept up a continued fire. The fight continued vigorously, and many houses along the river caught fire and were consumed. While our men were winning fadeless laurels I sent a company to the other side of the town and it accomplished what I wanted.

"At five in the afternoon I returned to my camp, after destroying Fort Hornos. My losses are detailed in annex No. 1.

"I cannot say what was the enemy's loss, but we buried eleven bodies, and from traces of blood many wounded must have been carried off.

"All my officers and men did their duty, but I must particularize the brave conduct of Captain José Maria Iglesias, with Ariza's forces, who fell bravely with sword in hand. He had the tribute of funeral honors, as mentioned in 2 and 3. The gallant conduct of Lieutenant Colonels Ariza and Diaz, as well as that of the ranger commanders and other officers, commend them to the gratitude of the nation."

I communicate the above, with great respect, for your information, and in just eulogy to Colonel Carreon and the brave Mexicans who fought with him at Tlacotalpam, in defence of national independence.

The body of Captain Iglesias was buried to-day, with due honors, in the principal church, where the shade of his glorious memory will ever repose.

The Tuxtla national guards joined in the fight, and did good service on the opposite side of the river. I have not yet had the report of its colonel, Larrañaga. Honor and glory to the brave Mexicans who have on this occasion sacrificed themselves for their country.

Independence and liberty! Amatlan, June 3, 1866.

ALEJANDRO GARCIA.

The MILITARY COMMANDER of ———.

AMATLAN, June 15, 1866.

A certified copy:

J. A. RUIZ, Secretary.

No. 5.

[Translation.]

MEXICAN REPUBLIC—FORCES NEAR TLACOTALPAM—COLONEL-IN-CHIEF.

CITIZEN GENERAL: Last night I heard the enemy had formed a new line of fortifications not far from the first, and I immediately determined to drive him out of them. So, with Colonel Diaz Lagos and Captain Jimenez, I took a position on the Casemate road, leaving a small force to protect the camp and baggage. At daylight Captain Jimenez attacked Puente Garcia, and was met by the enemy's artillery and rifles. Colonel Diaz then came up, and drove the enemy back into the town. Next, Captain Lauro Candiani, Lieutenant Albino Reyes, and Prudencio Martinez, surrounded the town. I then sent out two companies of rangers, under Perez and Rohoso, to attack Teran. Captain Alonzo also came up with his cavalry. All these forces charged the enemy at once, and drove him back some distance. As the enemy's cannonade was continuous, I sent Captain Bossa out with one company of the Zaragoza battalion to take their guns, while Colonel Ariza was to command all our forces. My right wing was well protected by cavalry, and my left was sustained by Lieutenants Zamudia and Barreiro, with a Minatitlan company. I stationed my line of reserve in the main road, and took a position with my own men at Hornos. This was scarcely effected when a brisk fire began on both sides. One of the French steamers then began to bombard the town; many houses were knocked down, and the thatched ones were burned. The spectacle at this moment was sad and imposing; the bells of St. Michael's church, occupied by our soldiers, ringing strangely in contrast with the sight of burning houses.

The enemy had now retreated to their last intrenchments, and the object of our attack being gained, I ordered our forces to beat a retreat.

Our losses are detailed in No. 1. Ribera street, and the streets around St. Michael's church, were strewn with dead bodies of the enemy.

All the troops of this section behaved gallantly, so I can give no special recommendations;

but to comply with my duty, I must make honorable mention of the second company of active rangers, commanded by Captain Candiani, and of the Zaragoza battalion, under Captain Rohoso.

I have the honor to communicate this to you, with the greatest respect.

Independence and liberty! Camp near Tlacotalpam, June 6, 1866.

FRANCISCO CARREON.

The GENERAL SECOND IN CHIEF of the Eastern Line, at Amatlan.

AMATLAN, June 15, 1866.

A certified copy:

J. A. RUIZ, Secretary.

No. 6.

[Translation.]

MEXICAN REPUBLIC—EASTERN LINE—INFANTRY SECTION.

After reconnoitring Tlacotalpam on the 9th, wishing to drive the enemy out, I moved a part of my forces yesterday, with a column of cavalry under Colonel Gomez, upon that city, forming two columns of infantry under Lieutenant Colonels Diaz, Lagos, and Ariza.

My schemes were frustrated; for the enemy retreated as soon as our forces appeared, and burned all the houses behind him. He did this to discover our number, for it was not yet day.

The imperialists took refuge in their limited fortifications, and on board the four French war steamers, that instantly opened fire upon us. It did not frighten our soldiers, for they advanced almost to the parapets of the forts.

At four o'clock in the morning, while this was going on, several of the enemy's soldiers came over to our side.

My sole object was to draw the enemy out of his trenches to an open field fight; but failing in that, I ordered the retreat of the attacking columns at six in the morning, by the national road, in sight of the enemy on land and on the boats.

Knowing the enemy in the town depended on his large artillery and the steamers moored in the river, and had not the courage to come out, I continued to annoy him; and this I will continue, informing you of the result.

Independence and liberty! Camp in Mototepec, May 15, 1866.

F. CARREON.

The GENERAL SECOND COMMANDER IN CHIEF of the Eastern Line.

No. 7.

[Translation.]

MEXICAN REPUBLIC—ADVANCED STATION, NEAR TLACOTALPAM.

At eleven at night my forces were in front of Tlacotalpam, about to begin the attack, when the gunboats opened upon us, and we were compelled to retire. They are now on the surrounding heights, determined to annoy the garrison as long as possible.

Independence and liberty! Camp at Amates, May 29, 1866.

F. CARREON.

The GENERAL SECOND IN CHIEF of the Eastern Line.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, July 21, 1866.

MR. SECRETARY: I have the honor to send you, for the information of the government of the United States, a copy of a communication of the 15th of June last, addressed to me from Amatlan by General Don Alejandro Garcia, second in command on the eastern line of the Mexican republic, in reply to my

circular of the 26th of April touching the evacuation of Mexico by the French army, which I sent to him, and copies of which I enclosed to you with my letter of the 9th of May following.

I accept the opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

MEXICAN REPUBLIC, HEADQUARTERS OF THE EASTERN LINE—SECOND GENERAL-IN-CHIEF.

AMATLAN, June 15, 1866.

CITIZEN MINISTER: I report to-day to the citizen minister of foreign relations of the republic as follows:

"I recently received a printed correspondence (No. 7) from the Mexican legation in the United States of America, dated Washington, 26th of April last, in which our minister plenipotentiary, citizen Matias Romero, sends a translated copy of the principal documents sent by the President of the United States to the 39th Congress, at the request of the House of Representatives, in relation to the Mexican question.

"As I do not doubt the authenticity of the correspondence, considering its source, nor the correctness of the translation of the documents quoted, as they are certified by the secretary of the Mexican legation, citizen Ignacio Mariscal, I beg leave to call the attention of the supreme government to the contradiction between some declarations of those documents and certain facts transpiring in this part of the republic, under my command, so that you may communicate them to the President of the republic, to be acted on as he may think best.

"In note No. 17, addressed by Mr. Seward to Marquis Montholon on the 12th of February last, analyzing Mr. Drouyn de Lhuys's of the 9th of January, among other things the following words of the French minister are quoted:

"On the other hand, we admit as well as they [the United States] the principle of non-intervention. From this moment we return to our principle of non-intervention, and we accept it as a rule of conduct."

"This was said by the French minister to the American minister on the 9th of January. Now, I take the liberty of pointing out to you the contradiction that is working here on this line between facts and the official promise, so that the government of the republic may not fail to know it, on account of its great distance from these regions.

"The so-called imperial government sent an armed expedition here in March last to conquer the coast towns that have continued to obey the republican government.

"The expedition of infantry and cavalry would never have succeeded in getting as it did but for the aid of the French war steamers *Tempête*, *Diligente*, *Pique*, and *Tactique*, and one other I have forgotten.

"These five steamers, with French flags and four hundred men, infantry and marines, came up to Tlacotalpam on the 24th of March, while the imperial troops went round by Omealca, forcing me to evacuate that place, the seat of government and headquarters of the eastern line, with the few loyal forces that garrisoned it.

"Soon afterwards I collected all the loyal Mexican troops in the State, and laid siege to Tlacotalpam to recover it from the Mexican traitors who held it, aided by the five French vessels, that continued to cannonade us so vigorously we could not retake it.

"I must here add that on the attack of the 6th, when our soldiers had already penetrated some of the streets, and were threatening Zaragoza square, into which we had forced the enemy, the French vessels, knowing we had no artillery, began to bombard the town, and did much damage to the houses and harmless inhabitants.

"Besides these acts, which are daily repeated, there are others not less flagrant in Vera Cruz, where the French packet arrived on the 10th instant with five hundred soldiers for the army of the so-called empire, that landed in the city and immediately set out for Mexico.

"From this, citizen minister, you will learn that the French are not practicing intervention in this country, and you will please so inform the President of the republic that he may act in the case as he thinks proper."

All of which I transcribe for your information and proper action.

ALEJANDRO GARCIA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Republic in the United States of America, Washington City.*

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, July 21, 1866.

MY DEAR SIR: I have the honor to send you some extracts of two letters received by the last steamer from Vera Cruz, one of the 29th of June, from the city of Mexico, and the other from Puebla, dated the 5th instant, containing important information of reported arrangements lately entered into between the Emperor of the French and his Mexican agent, the Austrian ex-Archduke Ferdinand Maximilian. I am promised to have a copy of the convention therein referred to; as soon as it reaches me, I will enclose it to you.

This is the information I alluded to in my conversation with you in the Department of State this morning.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

MEXICO, June 29, 1866.

Here is the substance of the negotiations between Mr. Dano, the French minister, and Maximilian:

France will leave 20,000 men in Mexico for four years, to be paid out of the French treasury. They will assume the title of Mexican soldiers, only changing their flag and uniform. France will contribute five hundred thousand dollars a month to the deficit of the civil list. Collection of the revenues will be intrusted entirely to the French.

Two hundred thousand dollars will be appropriated monthly to the railroad between Mexico and Vera Cruz, and the road will be mortgaged for the French debt, the certificates of the last loans being exchanged for railroad bonds.

Such is the substance of the contract. Troops had begun to march upon San Luis, and twenty thousand suits of clothing had been contracted for. The so-called "Cazadores Mejicanos" will continue to wear the French medals. Bazaine will soon start for San Luis. I understand that Jeaningros has been ordered to reoccupy Matamoras, at all hazards. The loss of Matamoras was the cause of mutual recrimination between Maximilian and Bazaine, and the discord was increased by the decree revoking the pension granted by the republic to the family of General Zaragoza, the conqueror of the French at Pueblo.

I will send you a copy of the convention alluded to, by the next steamer.

[Translation.]

PUEBLO, July 5, 1866.

MUCH ESTEEMED SIR:

Since the promise of France to observe the principles of non-intervention, it is observed that its army continues to sustain the government erected in Mexico; and the means resorted to in sustaining and consolidating the throne seem exceedingly strange.

Reliable papers from Mexico report that Maximilian has concluded a convention with Dano, the French minister. Its bases are: That an army of twenty thousand men, composed of the Austrians and Belgians now fighting, with the French that are to be disbanded in order to enter the Mexican service, are to remain. France is to contribute five hundred thousand dollars a month for four years, and will supply the deficit of the civil list.

The general opinion here is, that, in spite of the solemn promises made by France to the United States, the withdrawal of the French army will not be effected in good faith, for it is hard to give up a work that has cost so much blood and money.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, July 24, 1866.

MR. SECRETARY: I have the honor to send you, for the information of the government of the United States, the copy of a letter of the 5th instant from a reliable person in the city of Mexico; also three extracts from *La Sociedad*, a paper of that city, which were enclosed in the letter.

Attention is called in the letter to two circulars contained in the extracts issued by the so-called prefects of Durango and Queretaro, in regard to the enlistment of volunteers in two corps of chasseurs, which are organizing, with others of the same kind, by the ex-Archduke Ferdinand Maximilian, to form an army to sustain his usurpation when the French flag is withdrawn from Mexico.

From the enclosed circulars it appears that the new army is to be composed of Mexicans and French, the latter in greater majority as soldiers, and especially officers. As a proof of this last assertion the first battalion of cazadores was formed of Mexicans, and nearly half of the eighty-first regiment of the line of the French army now in Mexico, and most all the officers were French. Out of 28 officers in those battalions only two are of Mexican descent, all the others being French, as the names will show. This is seen in the list published by the so-called minister of war of the usurper, on the 30th of June last, contained in one of the enclosed extracts. All of them came out of the invading army, and being promoted one grade, they now enter the army that is to support the usurper.

These particulars confirm the report I had the honor to communicate to you in my letter of the 21st, in regard to the late arrangements between the Emperor Napoleon and his agent in Mexico, to sustain him in the position where French bayonets have placed him when France has withdrawn her flag, but not her soldiers, from Mexico.

My desire that the United States be duly informed of the most important political events occurring in Mexico during the present crisis has induced me to give you the information contained in the present note.

I accept the opportunity of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

MEXICO, *July 5, 1866.*

I send a circular for the enlistment of volunteers, published in Durango. You will see by it that Maximilian is organizing a *Mexican army*, forming corps of *cazadores de Mejico*, by the time the French leave, which will be soon. These corps will be composed of three or five per cent. of Mexicans, and the rest foreigners—that is, French. The best evidence of this is, that the main body of the first battalion of cazadores is formed of one thousand men taken from the 81st regiment of the line of the French army. The object of this is to retain the French army and call it Mexican. You will see by the paper extracts I send that out of twenty-eight officers of the cazadores, there are only two Mexicans. The French sergeants have been promoted to subalterns, and the latter raised to captains. A few southern rebels have been taken into the ranks.

The French Colonel De Portier, known as the *scurge* in the city of Mexico, and as the assassin in Michoacan, will remain as general.

Bazaine has gone inland to make these arrangements; and though it is said he will go back to France in September with three-fourths of the French army, there is little appearance of it at present.

No. 2.

[Translation.]

CIVIL PREFECTURE OF DURANGO, SECTION 3, NO. 448.

DURANGO, June 15, 1866.

His majesty the emperor, and his excellency Marshal Bazaine, having determined to raise a battalion of foot *cazadores*, similar to those in the French army, the prefect charges you to open an office for the enlistment of volunteers within your district, in accordance with the regulations for recruiting volunteers of the 1st of November, paying twenty-five dollars to each volunteer, after conforming to articles 59 and 60 of the law referred to.

The infantry battalion of *cazadores* shall be commanded by an officer of the French battalion, and shall consist of French and Mexican officers and soldiers. The soldiers of this body shall be governed by the rules of the French army, paid regularly, and all their necessities supplied. Corporal punishment shall not be inflicted.

When not on duty they may go out of their quarters, and leave to visit their families may be given to those who conduct themselves properly.

When their term of service is out they are entitled to a certificate of discharge, and shall not be forced into military service again.

Mexican soldiers who give proofs of courage and intelligence shall be made officers, according to merit and time of service. Those in the rural guards giving evidence of merit may be transferred to the battalion of *cazadores* with their same rank.

When the battalion is first organized intelligent Mexicans may be made corporals and sergeants.

The recruiting flag shall be hoisted on the 1st of July over the headquarters in this capital, Pearle street, No. 12.

The above I communicate to you by order of the prefect, to be put in execution, and you are hereby ordered to have the same made public.

LADISLAO LOPEZ NEGRETE,

Secretary General of the Prefecture.

Captain MANUEL FERNANDEZ,
Acting Military Commander.

No. 3.

[Translation.]

In regard to the organization of Mexican forces, and the formation of the second battalion of *cazadores*, the Esperanza of Queretaro says :

"By order of the civil prefect we insert the following circular, directed to the district officials, to protect and encourage the enlistment of soldiers for that distinguished corps. We have little to add to what is said in the circular about the prefect's views according with those of the emperor of giving power and influence to the Mexican army. Every citizen, whatever his condition, should aid in this good work, and to show him how to do it, we call his particular attention to the circular.

"The prefect has done well to have a large quantity printed and published, and extensively distributed throughout the country."

Here is the circular to which the Queretaro paper refers :

"CIVIL PREFECTURE OF THE DEPARTMENT OF QUERETARO.

"Circular.

"JUNE 20, 1866.

"By order of his majesty's government, the second battalion of *cazadores de Mejico* is organizing in this city, to form the new permanent army of Mexico, with others forming in different localities, conforming in every way to the French army.

"For this purpose a recruiting office is established in this city, at the San Francisco barracks, where all volunteers will be received every day, from half past eight to half past nine in the morning.

"The term of volunteer service is 2, 3, 4, 5, 6, and 7 years.

"They will be well treated and attended to according to the regulations of the French army, supplied with clothing, shoes, food, bedding, &c., &c., and shall have the same pay as the zouaves.

"The enlisting volunteer must have these qualifications :

"1. Age between eighteen and thirty-five years.

"2. Health, good, and of ordinary size.

"3. Condition, single, or widower without children.

"4. Conduct orderly, and convicted of no infamous punishment.

"His majesty's government hopes to restore the Mexican army to its former splendor, when the country was prosperous. Constituted in the proper manner, with the aid of the loyal sons of the nation, and those who adopt the noble profession of arms, it will become in a short time a great, moral, and brave army, a worthy rival of armies of the most civilized nations, because its constituent basis will be the French army, acknowledged over all the globe to be the best in organization, instruction, and discipline.

"His majesty's government and its agents desire to elevate the Mexican soldier, to inspire him with a noble and just pride, to make him understand that he is no longer a war machine, but a citizen of the most honorable class in the country ; while society will confess that he merits all its sympathy and care, as an integral portion of the power that constitutes the firmest support of social order.

"The officers, sergeants, and corporals of the second battalion of cazadores are selected from Mexicans and French. Mr. Deville Chabrol, its commander, is worthy of his position, and knows how to treat a soldier.

"I send you this circular by order of the civil prefect. You will have it distributed extensively among the citizens who can appreciate its importance, and encourage them by all lawful means to enlist."

"I enclose a blank certificate to be given to those who wish to enlist, so they may appear at once before the administrative council at the San Francisco barracks, under the conditions expressed in paragraph five of this circular.

"The prefect relies upon your zeal and intelligence for the proper execution of this order.

"J. ANTONIO SEPTIEN,

Acting Secretary General.

"The SUB-PREFECT of the District of ———," &c.

The Esperanza continues :

"We take much pleasure in informing the public that the second battalion of cazadores is fast filling up with the best men in the country, both Mexicans and French, who are on excellent terms ; and when others see how well those enlisted are treated, the ranks will soon be filled in spite of predictions to the contrary.

"Why cannot we Mexicans form an army worthy of the name, such as we had in former times, free from the demoralization of revolutionary corruption ?"

No. 4.

[Translation.]

WAR DEPARTMENT.

LIST OF OFFICIAL COMMISSIONS GRANTED THE PAST MONTH FOR THE NEWLY ORGANIZED BATTALIONS.

Federico Mosso, lieutenant first battalion ; Manuel Ornelas, lieutenant first battalion ; Amado Alfredo Bourlon, second lieutenant second battalion ; Pedro Marcelo Casserrane, second lieutenant second battalion ; José Enrique Champelon, second lieutenant second battalion ; Francisco Petavy, second lieutenant second battalion ; Juan Millia, second lieutenant second battalion ; Luis Adrian Falconnet, second lieutenant second battalion ; Esteban Desiderio Falavantour, second lieutenant second battalion ; Enrique Francisco Alejandro Morrille, second lieutenant second battalion ; Isidoro Luis Trambalay, second lieutenant second battalion ; Juan Eugenio Connay, second lieutenant fourth battalion ; Juan José Eugenio Mizar, second lieutenant fourth battalion ; Juan Chidel, second lieutenant fifth battalion ; Claudio Augusto Clement, second lieutenant fifth battalion ; Javier Sorobaine, second lieutenant fifth battalion ; Hipolito Moynier, captain in the seventh battalion ; Jorge Francisco Burwell, captain in the seventh battalion ; Nicolas

Schmitt, captain in the eighth battalion; Julio Coray, second lieutenant eighth battalion; Benjamin Hedon, second lieutenant eighth battalion; Luis Eugenio Francomun, second lieutenant eighth battalion; Florencio Luis Aynar, second lieutenant eighth battalion; Angel Bonbain Santori, second lieutenant eighth battalion; Juan José Maria Certain, second lieutenant eighth battalion; Luis E. Fernando Francisco Champreux, second lieutenant eighth battalion cazadores; Fernando Carlos Chervillon y Lois, second lieutenant eighth battalion cazadores.

J. M. MARQUEZ,
Acting Secretary of War.

Mexico, June 30, 1866.

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, July 31, 1866.

MY DEAR SIR: I have the honor to send you a number of the Temps, of Paris, published the 17th of this month, in which you will find a paragraph taken from the Memorial de la Loire, of the 14th, stating that a new detachment of the so-called Foreign Legion, of Mexico, passed through that city on the 13th, from Aix, going to embark at St. Nazaire for Vera Cruz.

Most respectfully, your very obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the "Temps," of Paris, of July 17, 1866.—Translation.]

The "Memorial de la Loire," of the 14th instant, reports that a new detachment of the Foreign Legion, coming from Aix and going to embark at St. Nazaire, passed yesterday, the 13th, through that city.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, August 1, 1866.

MR. SECRETARY: I have the honor to remit to you, for the information of the government of the United States, the documents mentioned in the annexed index, which show what have been the military operations of the army of the north of the republic of Mexico, from the beginning of April to the end of June last, in which such operations ended with the capture of Matamoras, after the complete victory obtained by the national forces over the enemy at La Mesa de Santa Gertrudis on the 16th June aforesaid.

This is a very satisfactory occasion for me to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of the documents which the Mexican legation at Washington remits to the Department of State of the United States, with its note of this date, upon the military operations of the army of the north.

No.	Date.	Contents.
	1866.	
1	Feb. 22	Proclamation of General Garza, chief of the forces of the south and centre of Tamaulipas, to the troops which sustained the usurpation of Maximilian.
2	April 25	Official report of General Albino Espinosa, quartermaster general of the army of the north, to General Escobedo, chief of said army, of the battle of Tanquecitos against Dupin on April 24, 1866.
3	May 22	Proclamation of General Pedro Martinez, chief of the third brigade of cavalry of the army of the north, to the towns along the southern line of New Leon.
4	May 27	Proclamation of General Escobedo, of the army of the north, on occasion of late events.
5	May 30	The constitutional alcalde of Rio Blanco communicates to General Escobedo the outrages committed by the French in that settlement during the occupation by them.
6	May 31	The commander of the squadron of Rio Blanco makes similar communication to General Escobedo.
7	June 5	General Escobedo orders General Treviño, in command of the first division of cavalry of the army of the north, to make reprisals on the prisoners taken from the enemy.
8	June 8	Proclamation of Lieutenant Colonel Darius Garza, of the army of the north, to the inhabitants of the second district of the State of New Leon, on account of the depredations committed by the French.
9	June 30	Introduction to the official documents on the victory of La Mesa de Santa Gertrudis.
10	June 16	Official report of General Escobedo to the minister of war, of the victory of La Mesa de Santa Gertrudis.
11	June 16	Proclamation of General Escobedo, congratulating the troops of his command on their participation in such victory.
12	June 19	Report in detail from General Escobedo to the department of war, of the same victory.
13	June 23	Capitulation of the city of Matamoras, by which it was delivered to the forces of the national government of Mexico.
14	June 23	Proclamation of General Caravajal to the inhabitants of Tamaulipas, mentioning the occupation of Matamoras.
15	June 23	Proclamation of General Garza to the inhabitants of Matamoras.

No. 1.

[Translation.]

The general commanding in chief the forces of the central and southern districts of Tamaulipas to the troops of any nationality sustaining the empire :

SOLDIERS : It is four years since you were brought here to fight us, who only ask to govern ourselves according to republican principles. You are made to believe that the ridiculous throne of Maximilian can be consolidated in this country, and you have not been told that we are so far from accepting it that the only emperor we ever had (Iturbide) paid with his head for the title he bore so short a time.

Iturbide was a Mexican—was supported by Mexicans. He had in his favor the great renown which he justly obtained by making us shake off the Spanish yoke, and yet he fell. Do you think that a foreigner, sustained by foreigners, who comes from Austria, begging the protection of Napoleon III, to make himself emperor of a country which does not even know him, can long usurp the supreme power of our country? Soldiers, you have been misled. In lieu of a military promenade, which you thought to take through our country, you find that every one of our defiles swarms with liberal forces, always ready to oppose you.

Many among you have come to make part of the so-called guard of the emperatriz; but, in place of the life of luxury which you expected, you are obliged to run over Mexico from one end to the other, to meet death at the hands of the audacious guerillas.

French, Germans, Belgians, Italians, (I address myself to all foreigners who compose the imperial army :) Our country has magnificent lands, which only await laborious hands to

repay with usury the trouble of cultivation. Abandon that army which wages such an unjust war upon us; come where the defenders of Mexican independence are found. If you wish to share our toils, you shall enjoy the same privileges as the republican soldier. If you prefer your passports for the north or any other foreign country, they shall be furnished you, with all the securities of our legislation. But if you wish to settle as peaceable citizens on any part of our lands, you shall be protected so that you may live quietly.

Many among us formerly belonged to the French army and the foreign legion; they can tell you how they have been treated. You will then see that I do not mislead you.

JUAN J. DE LA GARZA,
*General-in-Chief of the Independent Forces of the
Central and Southern Districts of Tamaulipas.*

VICTORIA, February 22, 1866.

No. 2.

[From the official paper of the Mexican republic, No. 18, Paso del Norte, May 31, 1866.— Translation.]

ARMY CORPS OF THE NORTH.

We take the following despatch from the official bulletin, of Linares:

SOLEDAD, April 25, 1866.

I am pleased to inform you that I started on the 24th, at three in the morning, for Valle de Parisima, with a division of infantry and one section of mountain artillery. We left the sick and baggage at that place.

The design of this march was to attack a force of French and traitors, consisting of 300 infantry, 300 cavalry, and two pieces of mountain artillery, under Dupin, that had arrived at Arroyo on the 23d.

On the morning of the 24th I arrived at the Tanquecitos and Soledad crossroads, where I found General Aureliano Riveras, at the head of the San Luis cavalry brigade. Scarcity of water along the main road forced me to the Chavez pond, where I arrived at three in the afternoon. After a short rest, I went on to Tanquecitos. On the way I perceived a great dust on the left of the road, near Jaramillo, and soon learned from scouts that it was caused by the enemy's cavalry returning from water.

I immediately ordered citizen Aureliano Riveras, with 100 cavalry, to attack him and cut off his return to the town, or to feign an attack and draw him into ambush, while I took possession of Tanquecitos and intrenched there.

At half past five in the afternoon I ordered cannon to open on the place to drive the enemy out. He soon returned the fire, but did not continue long. Trusting to their strength, the French traitors dashed upon us, and we had to give back till we came to the infantry, when the battle became general.

I then ordered Colonel E. Mayer with the Zaragoza battalion to a stream where cavalry could only pass in two places. He started with the shout of hurrah for the republic! and very soon came up with the enemy. In the mean time I sent Colonel A. Flores, with a battalion of hunters and a company of sappers, to take the advance. They marched forward with the same shouts of confidence.

Some of the enemy that had crossed in pursuit of our cavalry had to retreat in double-quick, and fell back to the protection of a column of infantry and a piece of artillery. But he soon returned to the charge, with a company of rifles, and came within a few yards of our lines. I had already begun to advance with the rest of the battalions and two pieces of artillery, trusting the left to Colonel L. Casares, of the mixed battalion. I ordered an attack, firing in battalions, and it was so mortally destructive the traitors soon retreated.

I now ordered General Riveras to cross the river and drive the enemy back, and I gave a similar order to Captain Garcia, who commanded the escort. The enemy now presented himself for the third time, but was so warmly received by our cavalry he had to retreat in great precipitation.

Our victory was complete. We held possession of the field, but the darkness of the night favored the enemy in his escape, and he carried off the greater part of his dead and wounded. We found ten Europeans killed on a small space of ground, so we judge his loss must have been one-fourth. The traitors are generally one-half, and, as we did not find one of them dead upon the field, we think they must have deserted when returning from water, instead of joining the French.

As my only object was to whip Dupin, and I knew he was expecting 300 men to re-enforce him, I started for this place, where I arrived at noon to-day.

Our loss was insignificant. As soon as I learn it I will let you know. A few side-arms and saddled horses fell into our hands. I cannot recommend any officer especially, as they all behaved courageously. After a march of fourteen leagues, over a rough road, without

water or provisions, our brave fellows whipped an equal number of the enemy, better armed and provisioned.

I congratulate you, general, on this national victory of the 24th of April, begging you will make it known to the President of the republic.

Independence and liberty!

ALVINO ESPINOSA.

Citizen MARIANO ESCOBEDO,
General-in-Chief of the Northern Army Corps, at Linares.

LINARES, April 26, 1866.

A true copy:

J. G. DORIA, *Secretary.*

No. 3.

[Translation.]

Pedro Martinez, cavalry colonel, chief of the third brigade in the southern line of New Leon, to the people of Galeana, Iturbide, and Rio Blanco:

FELLOW-CITIZENS: The convicts Pablo Basaldua and Juan Martinez have this day been sentenced to suffer the extreme penalty of the law for treason to their country, in aiding and abetting its enemies in the destruction of its towns. The former deserted from the home company of Galeana José Maria Muños, and joined the invaders to guide them in their destructive expeditions. The latter was put in office by the enemy, and exerted himself as an informer against his countrymen, persecuting his own people, and even turning against his master.

It is painful to be obliged to inflict the extreme penalty of the law upon sons of our own people, who have given many proofs of patriotism in the present contest; but even that fact aggravates the crime for which they must pay dearly—those who look upon this war as they have upon others, and think their crimes will go unpunished. No, my friends, treason must be punished upon the sacred soil of our liberties, and those are much mistaken who think they can fight for gain, but are not obliged to fight for the salvation of their country.

You have already seen what you are to expect from strangers, who sack our towns to civilize us, murder our defenceless families to teach us humanity, and commit all sorts of atrocities in the name of peace. This was recently done at Rio Blanco, where the bandit Dupin, the hyena of Tamaulipas, hung invalids and cripples whose brothers had taken up arms in defence of their country.

Can any one remain indifferent after witnessing such conduct? Do you not feel the blood mount to your faces, my friends, when you see the foreigner insult you in your houses? You have strong arms yet, and the advantage of a good cause. Where are the fortunes you labored for so hard? Gone! All passed into the hands of those who came to teach you to save, and to establish order and morality. You understand them now. You know the fine phrases they use to hide the thirst for robbery which they feel, and the iniquitous plan of their despotic master, the Emperor of the French. We must now pay them for the harm they have done us, and the only way to do this is to take up arms and fight our way to victory, leaving our families in the mountains till peace recalls them to their homes. Down with the infamous invaders and the hateful traitors!

And you, people of the southern part of New Leon, you who have not yet felt the invader's yoke, look at the fate of Galeana, Rio Blanco, and Iturbide, and see what you are to expect if you do not rise at once to defend your rights and the holy cause of the independence of our mother country.

Yes, fellow-citizens, war to the knife against the slaves of Napoleon, who are polluting our soil, who come to destroy our nationality and rob us of our wealth. Down with Maximilian, who has the effrontery to call himself emperor, and then kneels to his French master, begging him to oppress the Mexican people, and cement his throne with their precious blood. Down with the invaders and traitors! Let us sustain our independence and the supreme magistrate of the nation. Hurrah for the republican army!

PEDRO MARTINEZ.

GALEANA, May 22, 1866.

No. 4.

[Translation.]

Mariano Escobedo, general of the republic and chief of the army corps of the north, to the troops of his command:

COMPANIONS IN ARMS: The enemy having prepared a great combination to fight our forces, and, as announced by his chief, Doual, to annihilate us, several Franco-traitor columns were set in motion on the march from Monterey, Saltillo, and Matelmala. The proposed

operations were nullified in a few moments, as may be said, for they were compelled to return to their former position, and suffered greatly in their transit from desertions. There is scarcely a battalion constituting the first cavalry division but what has lost some soldiers through desertion. This simple fact, laying aside their hurried countermarch, which can well be termed a flight, manifests how demoralized and tired of fighting are those who have adhered to the "Austrian," and how anxiously they await the time when they can return to their homes, very sorry, as they are, that they ever came to this country to cement a throne which is in open opposition to the conviction and will of the Mexican people.

That constancy and valor which are always the distinctive characteristics of great souls have ever animated the heroes of Paso de las Cubas, Villa de Guadalupe, Monterey, San Salvador, and St. Isabel, and in many other combats in which the liberal arms were covered with glory.

Soldiers! The enemy has lost all hope of triumph. For this reason you see him flee whenever you approach. Despair has made its way in his midst, causing him to abandon his banners and seek yours.

Forward, braves! forward! The republic has a right to expect great things of you yet. There are many forced marches to be made, battles to be fought, enemies to conquer, and injuries to avenge. Will you fall back now, when the enemy has almost given up all hopes of conquest? The valor you possess, the constancy and decision of your chiefs, and the good sense and feeling of the people everywhere, make us hope that you will not recede, and that you will not desist until you see your country happy and free.

Then will you have fulfilled your duty, and history will record your actions, and the future generations will bless your names.

MARIANO ESCOBEDO.

LINARES, May 27, 1866.

No. 5.

[Translation.]

CONSTITUTIONAL JURISDICTION OF RIO BLANCO.

You have heard of the enemy's movement upon this valley through the communications of Colonel Pedro Martinez. He remained several days in Soledad, and then retired to Laja; but this was only a feint to make us believe he had left. He returned on the 19th with 1,200 men, 600 of which were traitors, and took us by surprise. They remained eight days in the valley, and then went back to Soledad. They shot six unfortunates, viz: Isidoro Martinez, Nicolas Rodriguez, Mateo Ortega, Hijinio Flores, Gregorio Ramirez, and Pedro Melendez. They broke open the doors and sacked all the houses; took all the corn they could find; destroyed all the standing grain; killed all the hogs and chickens in the valley, throwing the offal into the streets and public squares till the smell was intolerable and threatened an epidemic. They broke into the judge's office, destroyed the archives, threw loose papers into the streets, broke the chairs and benches, and carried off all the arms they could find. They took the image of St. Francis out of the church and fastened it to a pole; they despoiled the Virgin of Sorrows of her finery, and divided it among them; and then laid the body of the saint upon the altar! They killed a servant of Estanislao Camacho, at Virgin ranch, and stole all the cattle in the surrounding pastures. They did the same at the farms of San Juan, Sandia, and Pequeño. It is not known exactly how many cattle were taken, but the rough estimate is 3,000.

The valley is completely ruined, and its inhabitants reduced to the greatest distress. They will have to go elsewhere to find food, as everything was taken or destroyed by the enemy.

The people of San José did not suffer so much, as their visitors did not number more than one hundred French, who made their appearance on the 22d, and were soon repulsed and driven across White river by Captain Camero.

They caught a Spaniard named José Respaldiza, at Bocacil, and made him cut grass for their horses. They carried off Encarnacion Alvarez and Florencio Gonzales from the valley. They tried to catch Commander Reyna, but he got out of their way.

I send you this despatch from my farm of Joya de los Encinos, where I intend to stay till the enemy makes his appearance.

Accept my respect and high regard.

A. GONZALES.

The Citizen Don MARIANO ESCOBEDO,
Governor and General-in-chief of the Northern Army.

MAY 30, 1866.

I certify that this is a copy of the original.

Given at Paso del Zacate, on the 5th day of June, 1866.

J. C. DORIA, *Secretary.*

No. 6.

[Translation.]

REPUBLICAN ARMY OF THE NORTH—FREE SQUADRON OF RIO BLANCO—COMMANDER-IN-CHIEF.

From the enclosed despatch of the chief official of this city, you will see the harm that the bandit Dupin has done here. Every family is in mourning; the house-doors have been broken, and the houses sacked. The people have suffered much: there is no exaggeration; the alcalde's report is true. You could not believe the devastation without seeing it; everything is destroyed, and it is impossible to live here. Higinio Flores was sent to tell the French were coming, when Dupin caught him and had him shot. Isidoro Martinez was sick at home, and Mateo Ortega was not in service; Gregorio Ramirez had a brother in our army; they were all three shot. Nicolas Rodriguez had been ensign, and they murdered him. The other man they murdered was half-witted and nearly blind, yet they had him shot. I cannot sufficiently express my horror at these vile assassinations.

I make this communication for consequent action.

Independence and liberty! Rio Blanco, May 31, 1866.

M. REYNA.

The Citizen MARIANO ESCOBEDO,
General-in-chief of the Northern Army.

PASO DEL ZACATE, June 5, 1866.

I certify the above to be a true copy of the original.

J. C. DORIA, *Secretary.*

No. 7.

[Translation.]

NORTHERN ARMY CORPS—GENERAL-IN-CHIEF.

The repeated acts of cruelty and barbarism committed by the invading army, whose leaders have not regarded the laws of war, have compelled our supreme constitutional government to issue various orders and circulars, and, among them, the general order of the 15th of November to the army corps under my command. The substance of that order was that I should observe the same conduct towards their prisoners that the enemy showed to us, and this was made known to them through some exchanged prisoners. General Douay, commander of the forces that devastated Rio Blanco, Galeana, and Linares, could but know what to expect from men he called bandits, thieves, and robbers if his men were taken prisoners by them. And now the alcalde of Rio Blanco informs me that six men were shot by the French without the least form of trial, though they were unarmed citizens.

Humanity can hardly believe that chiefs of a civilized nation would commit such atrocities under a banner that boasts of the greatest enlightenment in Europe. But, now that Rio Blanco, Galeana, and Iturbide are destroyed, we must obey orders and retaliate.

Since the enemy desire it, I command you to execute six of the French prisoners now in your hands within three hours after the reception of this despatch, in compliance with this order, and to make the execution known, and the names of the persons executed.

Independence and liberty! Paso del Zacate, June 5, 1866.

M. ESCOBEDO.

General G. TREVIÑO,
Chief of the First Cavalry Division of the Northern Army at Cerralvo.

No. 8.

[Translation.]

Dario Garza, cavalry lieutenant colonel of the republican army, chief of scouts in the northern army, to the citizens of the second district of the State of New Leon and his under officers:

FRIENDS AND FELLOW-CITIZENS: The cut-throats and pirates sent to devastate our unfortunate country by that ambitious tyrant Napoleon III, under the name of an army, to rob us, murder us, and establish a ridiculous empire, with the scion of a degraded house, no longer conceal their aims.

The destruction of Galeana and San Pedro de Iturbide by Douay, the cruelty of Jeanin-gros at Allende towards old man Garza Valdez, are facts that speak plainly. Let us prepare to repel force by force, and let us make one more effort to escape his cruel mode of civilization by making victims of us; we prefer death to dishonor and such enlightenment.

Fellow-soldiers, it is your place to chastise his audacity; he will find us always ready to fight, and must acknowledge us worthy defenders of our country. Show him no mercy; give none to his traitor allies; let Mexico struggle for her captured rights, and her name will be respected and admired by the entire universe.

Subordination and discipline, abnegation and patriotism, are the virtues needed to make our enemies tremble at our approach, and repent that they had ever assaulted a free nation.

Let us make one more effort, with faith and confidence, and you may be sure I will be by your side, your companion and friend.

Independence, the supreme national government, and the republican army forever! Toro Ranch, June 8, 1866.

DARIO GARZA.

No. 9.

[Translation.]

The battle of Santa Gertrudis.—A victory over the enemy on the 16th of June, 1866.

The glorious victory of the 16th of June, over the traitors at Santa Gertrudis, is one of the most important of this war. If, in a military point of view, it is not so important as that of the 5th of May, no other can be compared to it in political and military consequences. It demoralized the escort of silver from Monterey to Mier, and caused the surrender of Matamoras. News from the latter place, and intercepted letters, show how complete the demoralization was. There was desertion from the Belgian forces, and their number was so diminished that they were obliged to retreat in haste, not delivering the specie they had in charge.

The surrender of Matamoras, from peculiar circumstances, was an unexpected event. It was certain the place was destined to fall into the hands of the forces fighting at Santa Gertrudis; but it was hardly believed the traitors would evacuate the place when our forces were fifty leagues distant. This shows the great importance of the victory in a moral point of view. There was the greatest disorder among the rebel troops when they left Matamoras; that public opinion hitherto suppressed by bayonets was against them.

The victory of Santa Gertrudis, and the consequent evacuation of Matamoras by the traitors, have given a solid basis of operations to the republican army. The immense supplies captured will help to organize a strong army that can carry the war into the interior as soon as Monterey is taken. The possession of Matamoras puts us in communication with the United States, whence the necessary arms and ammunition can be obtained. If we add to this the moral effect of the victory in other parts of the country, we can easily comprehend its importance to our cause. The defenders of the republic have hitherto been represented as disorganized bands of robbers, ready to run at the slightest notice; but it is now seen they form a regularly organized army, well disciplined. The late victory is a proof of this; numbering less than the traitors, they attacked them and routed them completely. The enemy had every convenience for defending the convoy, or they would not have started with it.

The elegant discipline of the liberal army is also shown in its conduct just after the victory; the convoy was captured entire, and delivered intact to the commander. That shows the discipline of the republican soldier, and is the best refutation of our enemy's base calumny. They erected gibbets to hang our patriots as robbers.

Before concluding, I must say something about the results of this signal victory. It is not an isolated fact, but the result of mature patriotic deliberations. One year ago all the frontier was under the so-called empire, and those who sympathized with the national cause had to conceal their opinions or suffer the violence of arbitrary power. Yet in those trying times there were men who did not lose all hope. Solitary and alone they rushed into the combat, and, contending with every difficulty, they raised arms and marched ahead, inspired by patriotism and the hope of ultimate success. They routed the enemy frequently, and thus commanded respect. The victories of Paso de las Cubras, Santa Isabel, Catorce, and Valle de Purisima are so many laurel crowns upon the temples of the Mexicans who offered themselves a sacrifice to the republic.

Let us trust to our faith in independence as long as there remain such men as fought at Santa Gertrudis. We will not despair in the hour of misfortune, but will encourage the desponding to fight on to the bitter end.

EMILIO VELASCO.

MATAMORAS, 30th June, 1866.

No. 10.

[Translation.]

MEXICAN REPUBLIC—NORTHERN ARMY CORPS—GENERAL-IN-CHIEF.

I have the honor to inform you of the splendid republican victory at Santa Gertrudis, gained by my forces over the Austrians and traitors escorting a convoy of goods from Matamoras to Monterey. I had only 1,500 men, with the first Tamaulipas brigade under Colonel Canales, while the enemy had 2,000. Trusting to superiority of numbers he attacked me in my intrenchments, where I was waiting. He had the advantage of artillery, too. The attack was violent, but my troops were not dismayed in the least; we reserved our fire till the enemy came close, then fired and charged bayonet, driving him back in great confusion.

The victory is complete, and though we have not yet struck our tents, we have picked up more than a thousand muskets and other arms, have captured all the artillery, six field pieces, two mountain pieces, and any quantity of ammunition; leaving more than four hundred killed on the field, most of them Austrians, a great many wounded, and over eight hundred prisoners, two hundred of whom are foreigners. Our loss is only two hundred men killed and wounded. As soon as I can collect the particulars I will make a report of the battle.

I cannot commend any one of my men in particular; all did their duty, fighting like good Mexicans for the honor of the republic and our national independence.

Please communicate this despatch to the supreme magistrate of the nation, and felicitate him, in the name of the army corps of the north and the first Tamaulipas brigade, on this day's brilliant victory of the republic over its foreign enemies.

Independence and liberty! In camp, 16th June, 1866.

M. ESCOBEDO.

The MINISTER OF WAR AND MARINE
of the Mexican Republic, (wherever he may be.)

CAMARGO, June 17, 1866.

A true copy:

J. C. DORIA, Secretary.

No. 11.

[Translation.]

Mariano Escobedo, general of the republic and chief of the northern army corps, to the troops that took part in the battle of Santa Gertrudis:

COMPANIONS IN ARMS: The national arms are once more crowned with glory; your forced marches and untold hardships have not been useless, for the Austrians and traitors, though superior to you in numbers, have been forced to succumb to your courage and resolution. You have brought the usurper's Austrian mercenaries to your feet to implore your clemency, and you, fierce in combat but generous in victory, like true soldiers of the republic, have been merciful to them. The men that appeared so mighty in your front not long ago exist no more; those not killed are wounded and prisoners; a few officers escaped, but their flags and treasures remain in our hands. Their chiefs, miserable cowards, had not the courage to brave death on the field of battle, but trusted their lives and safety to the fleetness of their horses.

Fellow-soldiers, the invaded republic confides its salvation to the courage of its children, and I am sure they will protect it or perish in the attempt. One year ago we were fighting without resources, almost without hope, with nothing but our patriotism to sustain us; yet our faith in the national cause never wavered; now that the northern army is everywhere victorious, who will dare to oppose it? Let us hasten onward, fellow-soldiers, and capture Matamoras; then we can have time to rest. We will leave a guard to protect our rear, and then Monterey and Saltillo will soon be ours; the frontier will be freed from the odious presence of the invaders and their accomplices; we will carry the war into the interior of the republic, and help our brothers to fight till our soil is rid of the slaves of Napoleon the Third. You know, fellow-soldiers, we have always respected the law and the customs of society; go on, as you have done up to this time, battling with the enemy and protecting peaceful citizens, and our cause will surely triumph in the end. Then you can settle down quietly with your families, and hold up your head in pride at having done your duty, fighting for national independence and the honor of the republic.

M. ESCOBEDO.

CAMP AT SANTA GERTRUDIS, 16th June, 1866.

No. 12.

[Translation.]

MEXICAN REPUBLIC—NORTHERN ARMY CORPS—GENERAL-IN-CHIEF.

According to my promise on the 16th, I have the honor to give a complete report of the battle of Santa Gertrudis, which you will communicate to the citizen President.

I had already fixed my headquarters at Linares, when I was informed that the enemy from Matamoras and Monterey had united to protect a convoy of merchandise and specie between the two cities. Without knowing whether to credit the report or not, I took the necessary precautions of stationing a division of infantry at China, the second cavalry brigade at Paso del Zacate, and the first brigade between Monterey and Ceralvo. To cut off re-enforcements for the French column that had left Monterey, I ordered Colonel Pedro Martinez to threaten Saltillo with 300 cavalry, assisted by the governor of Coahuila, with his available force, while Lieutenant Colonel Antonio Garcia should watch every entrance to Monterey, and prevent any communication.

When my forces were thus stationed, I learned that 1,500 French and 500 traitors had left Monterey on the 7th. This report was soon confirmed by General Geronimo Treviño, who was watching them and annoying them in every possible way, blocking up the road, filling the wells and springs, and using every legal strategy to harass an enemy. In the mean time I was expecting to hear of the enemy coming out of Matamoras as an escort to a caravan of goods for Monterey; but Colonel Canales, who was on the lookout, could obtain no such information. I then determined to march out to meet the French, which I did on the 9th, stopping the first night at Aldamas. On the 10th I came within ten leagues of Ceralvo, where I remained the 10th and 12th, watching the enemy. The French got to Ceralvo on the 12th, and I learned from a captured messenger from Mejia to De Tuce, that they would not leave there till they heard the convoy had got to Mier. For this reason I changed my plan of operations, and by forced marches reached Santa Gertrudis, three leagues from the enemy, on the 15th. Knowing the enemy would be obliged to advance, as there was not enough water for his 2,000 mules, I prepared for battle in the following manner: I divided my forces into five columns for attack, and one for reserve. Colonels J. A. Flores and Luis G. Caceres, over the first infantry column of 250 men, with the 1st brigade. The second column, of the same number of men, was commanded by Colonels Miguel Palacios and Edelmiro Mayer. The third, of 300 men, by Colonels Francisco Naranjo and Adolpho Garza. Fourth, the Tamaulipas brigade, of 300 rifles, under Servando Canales and Julian Cerda, with two columns of cavalry. Fifth, composed of the northern legion, under Joaquin Garza Leal, and the Lampazos explorers, under Juan N. Saenz and Higinio Villareal, all under the command of General Geronimo Treviño. The reserve of 300 men, sappers, sharpshooters, and riflemen of the Rio Grande, was commanded by Colonel Salvador F. de la Cavaña and Lieutenant Colonel Vicente Mariscal.

Thus divided, the columns were sent into the field to await the enemy, who soon appeared, leaving his baggage in the rear. On the 16th, at six in the morning, the enemy opened upon us with his cannon, while the infantry continued to advance slowly. My orders were implicitly obeyed; the men lay flat on the ground, the cavalry concealed in a thicket of trees. The enemy continued to advance till he got within rifle-shot of our lines, when I ordered my men to charge. This was done bravely; the infantry continued to advance, till both armies had to combat with side-arms. The enemy feigned an attack on our left with two infantry columns, and attempted to surround us. At this moment I ordered the cavalry to charge, and General Treviño made a bold assault on the right. This was so successful that the enemy was completely flanked on the left. The combat with side-arms was of short duration, having ended at seven in the morning, with the complete destruction of the Austrian-traitor forces.

I enclose a report of the killed and wounded (No. 1) on both sides, and of the prisoners we have taken. No. 2 is a list of artillery, arms, &c., taken from the enemy. No. 3 is a list of the prisoners. The traitors are not included, because they are incorporated into our ranks. No. 4 is a general sketch of the battle.

I cannot make particular recommendations, because, as I said, every man did his duty. Convinced of the justice of our cause, our soldiers had no doubt of victory, and marched forward certain of success. During the combat there were many personal encounters worthy of the greatest admiration.

As a consequence of this glorious triumph of the national cause, the garrison in Matamoras is thrown into the greatest confusion, and to take advantage of it, I will march upon the place to-morrow, hoping to be able to give you an early account of my expedition.

Before concluding I must praise this army under my command for its excellent conduct and discipline, and recommend it to the notice of the citizen President of the republic, with whom I rejoice at this signal triumph of our glorious cause.

Independence and liberty! Camargo, June 19, 1866.

M. ESCOBEDO.

The MINISTER OF WAR AND MARINE
of the Mexican Republic, (wherever he may be.)

CAMARGO, June 20, 1866.

A true copy :

F. C. DORIA, Secretary.

No. 13.

[Translation.]

Agreement for the surrender of Matamoras.

In the heroic city of Matamoras, on this twenty-second day of June, one thousand eight hundred and sixty-six, at a meeting of citizen General D. Thomas Mejia and a commission of the people, consisting of Señors D. Augustin Mencheaca, D. Juan Prado, and D. Antonio de la Garza Chapa, of the first part, and citizen General D. Juan de la Garza, acting under the authority and in accordance with the instructions of the citizen governor and military commandante of Tamaulipas, General José M. J. Carvajal, for the purpose of treating for the surrender of the plaza, after the usual formalities, agreed upon the terms contained in the following articles :

ARTICLE 1. General Mejia is to deliver up the plaza of Matamoras within forty-eight hours to the citizen General Juan de la Garza, commanding the division operating against Matamoras.

ART. 2. The reception of the plaza will be according to the usual formalities, including the forces and armament of the plaza.

ART. 3. General Mejia shall be permitted to withdraw with the troops of his division unmolested by the road to Bagdad, with two rounds of ammunition.

ART. 4. The lives, property, and interests of the citizens are guaranteed, and they shall not be molested for their previous political conduct or opinions.

ART. 5. The government of the State reserves the right to investigate the conduct of those who have taken the more prominent part against it, for the satisfaction of public justice.

For the enforcement and carrying out of the foregoing agreement, we hereby sign in triplicate.

THOMAS MEJIA.
JUAN PRADO.
ANTONIO DE LA GARZA CHAPA.
AUGUSTIN MENCHEACA.
JUAN JOSE DE LA GARZA.

Ratified at general headquarters, Ranchito, June 23, 1866—three o'clock a. m.

CARVAJAL.

No. 14.

[Translation.]

The General of Division José Maria J. Carvajal, governor and military commandant of the State of Tamaulipas, to its inhabitants :

FELLOW-CITIZENS: The city of Matamoras is free from the oppression imposed on it by the force of the invader, and republican rule is once more established therein. The enemy, convinced that he had not the support of the public, has delivered the plaza into our hands. This success is the prelude to the complete triumph of the national independence on this frontier, and will in due time lead to carrying the war into the interior of the republic for the defence of our brothers.

To this end all patriots would contribute. The country requires sacrifices from her sons. All good Mexicans, though they may have been divided by dissensions and revolutions, can meet under the national banner.

Citizens, I solicit your concurrence. My chief desire is to sustain the cause of independence, receiving all of its faithful defenders without distinction of party, that we may show ourselves worthy of liberty, that we may maintain unity, and that previous dissensions may be forgotten.

To this end I shall make war solely against the French and the traitors. The inoffensive people shall have the amplest guarantees, and my firm determination is to respect all persons and property in conformity to the law of nations. Confident that my patriotic intentions are appreciated, I expect the aid of the people, that a complete triumph may be attained. The support of the people will be all-sufficient to enable me to combat the enemy, and confident in that support, I shall not hesitate in making the greatest sacrifices.

JOSE M. J. CARVAJAL.

HEADQUARTERS AT RANCHITO, June 23, 1866.

No. 15.

[Translation.]

PROCLAMATION OF GENERAL GARZA.

The citizen Juan José de la Garza, chief of the first division of Tamaulipas, and provisional commandant of the city, to its inhabitants :

FELLOW-CITIZENS : My taking military command of the city has been for the purpose of protecting the citizens in their life and property. Exemplary punishment will follow any disorder, without distinction of person, for it is not private individuals, but the competent authorities, that are the judges of the proper course of procedure.

All enjoy the guarantees which the law allows, and in no way shall these be violated. Far from this, I shall endeavor to re-establish confidence, and the efforts of all good Mexicans should be directed to the same end, and the salvation of our independence. Without the first the second is impossible. Mexicans, the epoch of our regeneration begins ; union under the banner of Hidalgo, war upon the French and traitors, the triumphs of our independence and nationality, are the ends which we should have in view.

The frontier at all times has been the constant defender of liberty. Her sons gained the glorious battle of Santa Gertrudis ; a wide field is open to us to fight for our nation's cause : patriotic Mexicans will not recede from their undertaking. To participate in the glories and dangers is the highest wish of your companion and friend,

JUAN J. DE LA GARZA.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,

Washington, August 3, 1866.

MR. SECRETARY : In confirmation of the reports I have transmitted to the Department of State of the United States, on divers occasions, relative to the efforts of the French agents in Mexico, to induce citizens of the southern part of the United States to immigrate to that country, animated by a feeling hostile to their government, I have the honor to send you this day an index of original documents containing particulars of plans for that purpose, more minute than any I have yet been able to communicate to your department.

I regret I am not at liberty to say how these documents have fallen into my hands, but I can assure you they are authentic.

I take pleasure in embracing this additional opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent to the Department of State of the United States by the Mexican legation in Washington with the note of this date, in relation to the plan of southern colonization in Mexico.

No.	Date.	Contents.
	1865.	
1	Feb. 5	Letter of Mr. Charles M. Douglas, of Charleston, South Carolina, to the minister of the so-called Mexican empire in Washington, inquiring about the pay of passage for emigrants to Mexico.
2	Nov. 1	Letter from Mr. John O. Shelby, at Cordova, to Mr. Frank Lilly, of St. Louis, Missouri, giving information for confederate emigrants to Mexico.
3	Dec. 6	Communication from Mr. M. F. Maury, called imperial commissioner of colonization, to Mr. E. Farrenne, of New York, in relation to the establishment of a bureau of correspondence in the city of New York.
4	Dec. 6	A copy, in English, of the so-called colonization laws issued by the emperor Maximilian.
5	Dec. 6	An extract from the Mexican Times, of the 9th of December, 1863, containing a circular signed by Maury, and addressed to persons who wished to settle in Mexico.
	1866.	
6	Feb. 9	Letter from Mr. Benjamin Crowther to Mr. J. C. Littrell, of St. Louis, Missouri, giving information about confederate settlers in Mexico.
7	Feb. 17	Letter from Mr. Richard L. Maury, son of M. F. Maury, called imperial sub-commissioner of colonization, and colonel in the late confederate army, to Mr. James M. Payne, of Nashville, State of Tennessee, enclosing the circular on Mexican colonization.
8	Mar. 3	Letter from Mr. R. L. Maury to Mr. W. C. S. Ventress, of New Orleans, informing him that his father had gone to England, and would return in October with his family; enclosing a copy of No. 8.
9	Mar. 14	Letter from the same to Mr. Reuben Herndon, in Galveston, Texas, telling him of the inducements to emigration held out by the usurper Maximilian, and enclosing a copy of the circular No. 8.
10	June 6	The colony founded by certain confederate ex-generals near Cordova, and named Carlotta, under the sanction of Maximilian, is broken up and destroyed by the liberal inhabitants in its vicinity.
11	Dec. 16	Letter from General Sterling Price, giving an account of the colony of Carlotta, established by himself and other confederates. Reiterates his adhesion to rebeldom, and is perfectly content with his lot in Mexico.

No. 1.

CHARLESTON, S. C., February 5, 1865.

DEAR SIR: Several young men, natives of this city, are desirous of emigrating to Mexico, but are without the necessary funds to enable them to do so. A letter is published in a Columbia, South Carolina, paper of the 4th instant, written from the city of Mexico by Colonel Maury, late of the confederate army, in which he states that the imperial government will defray the expenses of emigrants to Mexico. Our object in addressing you is to inquire if this is a fact; and if it is, to whom we are to apply for transportation.

If necessary, all of the party can furnish you with the best testimonials as to character, &c. An early answer will be esteemed by us a great favor.

Very respectfully, your obedient servant,

CHARLES M. DOUGLAS.

The MINISTER of the Empire of Mexico,
Washington, D. C.

No. 2.

[The envelope containing this letter was marked as follows: "Mr. Frank Lilly, St. Louis, Missouri."]

CORDOVA, MEXICO, November 1, 1865.

DEAR LILLY: How often have I written to you since I crossed the Rio Grande? Too often; and I would not tax you further, save I have just learned you have married my favorite of Waverly, May Hall. God knows my heart beats with joy; and why? Because

I love you both, and I am made happy by knowing she has united with a man who will protect and guard her, and who numbered not among those who persecuted the South. I am here as an exile; defeated by the acts of the southern people themselves. And why? Because they loved their "niggers," their estates, more than principle. They won, didn't they? Let them reap what they deserved—*eternal disgrace*. D—n 'em, they were foolish enough to think by laying down their arms they would enjoy all the rights they once had. How is it? Your United States papers tell us their condition. Who can sympathize with them? I can't, for I know them too well. Our independence was in our own hands. We lost from the fact our people were unwilling to sacrifice money—not blood. Of the women of the South no man dare complain, and may a just God always guard over them. They labored hard, but even their influence failed to nerve the southern army to its duty. They sacrificed all save their honor. They urged a further continuance when the cowardly *southern* had cast aside his gun and only awaited the coming of the *northern abolition fanatic* to do his bidding. And to think that was the people we border-State men were fighting for! Yes, that was the people we were fighting for. Were we not deceived? *Still we were right!* However, take away the women and children of the South, the balance might sink in a chasm of eternal damnation where there could be no relief. My heart is heavy at the idea of being separated from you all forever; but I am not one of those to ask forgiveness for that which I believe *to-day* is *right*. The party in power has manifested no leniency. Though not among the politicians, I am not ready to play the sycophant.

Frank, say to old George I have written to him several times; would like to hear from him. Bud, I know, will write to me. Tell Charley Cowan to write to me, and say further to him, in case I succeed in this country *he shall not suffer*. I will divide *always* with him. Please inform him where I am, and say to him to write to me and I will answer immediately. I would like George Hall to send Bud to me. I will have him taught Spanish, and he can return in two years a good Spanish scholar. Say to my Waverly friends to look for me when Napoleon jumps Uncle Sam.

There are about two hundred confederates here. We are settling on the railroad, in the finest agricultural country in the world, seventy miles from Vera Cruz. I will await to hear from you. Send this letter to George Hall. My love to May and your family.

Ever your friend,

J. O. SHELBY.

Do you know where Mr. William Shelby is? When you go to Waverly tell my old friends it would console me much to hear from them. Say to Brock Fletcher I was in hopes of meeting him last fall, and he must write to me. To old man Rudd and John Hall I would say, my prayers would be offered freely if I thought the prayers of a rebel would avail the good. And where is poor Can. Kertley? Old Spencer Brown, I know the blessings of a righteous God will always rest on him. A better man, a better heart, was never created. May happiness attend him and his. Let me hear all.

Tell Paschal to send me the Weekly Republican. I will pay.

Yours,

J. O. S.

No. 3.

COLONIZATION OFFICE,

No. 13 S. Juan de Letran, December 6, 1865.

SIR: Your letter by Mr. Arroyo was received too late to reply by the steamer of to-day. Your suggestion as to a bureau of correspondence in New York is good, and seems to be well worthy of his majesty's consideration.

There is in the United States a lamentable state of ignorance concerning Mexico and the Mexicans, and any one who can dispel that ignorance may well be considered as having done a good work.

I enclose some decrees and other documents which you may find interesting.

Respectfully, and your obedient servant,

M. F. MAURY,
Imperial Commissioner.

E. FARRENNE. *New York.*

No. 4.

Decree for the establishment of civil and military colonies on the imperial Mexican railroad between Vera Cruz and the City of Mexico.

MAXIMILIAN, EMPEROR OF MEXICO.

Considering that the establishment of lines of railroad is necessarily followed by the creation of new centres of population;

Considering that in the present state of the empire it is important that these centres of population should not be very far from each other;

water-closet, &c. We have at this time green peas, tomatoes, cabbage, turnips, beets, carrots, sweet potatoes, Irish potatoes, turkeys, eggs, chickens, fresh beef, pork bananas, oranges, lemons, and one hundred other different varieties of fruits and vegetables, fresh and in abundance at this time, and cheap. At first, on account of the language, my wife thought she never would like to live in the country, but necessity soon forces a person to learn to speak it. We have a female servant, Mexican, we pay five dollars per month. On the 21st January, at 11.40 a. m., my wife was safely delivered of a fine, healthy, rebel child, a little girl, whom we have named Carlotta, after the empress of Mexico, and deservedly so, because she has been and still is the true friend of true confederates. Both my wife, Sussey, Bartlett, and Carlotta, are all well and in fine health. Bartlett has grown to be a very fine boy, and has learned to speak Spanish better than his mother or myself. There appears to be very little known of this country in the United States or other countries—concerning its interior mineral and agricultural wealth; it is far beyond anything I ever before conceived of, and I must say I have been very agreeably disappointed. I was sorry to see and witness so many confederates come to Mexico with wrong and improper motives; some imagined that they would be forthwith installed into some fat office, like Commodore Maury, and because they were not, and not being disposed to adapt themselves to temporary inconvenience, would not labor, and to their shame went back to the dis-United States, like a dog returning to his vomit; whereas had they been patient, and not tried to force things whether or no, they would, by settling in colonies of twenty-five and fifty families, as is now the case at Cordova, Rio Verde, and other places—they would all have done well and been of mutual assistance to each other. The only temptation that I or any of my family could have to return to the States would be on the occasion of a war with any other power on earth and that of the federal government, in which event you may expect to see me in the service of that army, whatever army it may be.

At present I know of no country that can offer as many inducements to intelligent agricultural, mechanical, or other men of sound, sober, practical business capacities, as Mexico, notwithstanding all that random writers have said to the contrary; but I must be candid with you, that Englishmen and Americans must settle in colonies of from fifteen to one hundred families, otherwise, by scattering, isolated few by themselves, they actually become lost for any good purpose to themselves or their race, and every colony, however small, must have within themselves their proper quota of the common trades of life, particularly blacksmiths, wagon-makers, carpenters, &c. In point of climate and natural good health, I prefer that of Mexico to any part of the States. There are a great many Americans and English in business in this city, and they have all grown rich.

I can, upon the information I have derived from my wife, on the subject of one article of trade, soap and its manufacture here, according to the patent mode which she says was offered to you at St. Louis for county rights in Missouri for sale, guaranteed to you an independent fortune in eighteen months, if you will purchase the right from the patentee for all of Mexico; and, if you desire, I will engage in the business with you to our mutual interests and profit. I feel deeply and personally interested in this matter, and wish to hear from you immediately on the subject. Common brown soap, but good, sells here, retail, at 1½ cents per pound. You had better come at once to Vera Cruz as an immigrant, and bring the necessary machinery to make the soap with you, and it will be admitted free of duty. Let me hear from you at once, or if you will not come, procure the agency of the patentee for the whole of Mexico for me, and I will put it through, stating rate per cent., commission, &c.

The railroad from Vera Cruz to this city will be completed in three months. Telegraph is now in working order all through. Common castings sell here at 37½ per pound.

With kind regards and best wishes of my wife, self, and little ones, I am your friend, faithfully,

BENJ. CROWTHER.

Mr. J. CALVIN LITRELL.

P. S.—I wish you to write to old man William Cogswell, sr., to send you *my box of books*, in his care, and I shall be under many obligations to you to forward the same to me, care of Snowden R. Andrews, at Vera Cruz; or if you will come, as I wish you to do, bring it with you. Give our best regards to all our friends. We will have a colony at Cordova of about one hundred families this spring, and they are all *good rebs*. B. C.

Direct your letters to me as follows: Benj. Crowther, en cargo de los sures F. A. Lohse & Sons, No. 2 calle del Espiritu de Santo, ciudad de Mexico.

[The envelope was marked as follows: J. Calvin Littrell, box 275, St. Louis, Mo., or care of Wm. H. Stephens, esq., Fourth street, St. Louis, Mo.]

No. 7.

OFFICE COLONIZATION, 13 SAN JUAN DE LETRAN,
Mexico, February 17, 1866.

SIR: In reply to yours of the 24th of December last, I beg leave to forward you enclosed some information relative to Mexican immigration and Mexico.

As yet no funds have been placed at the disposal of this office for defraying the expenses of immigrants here. The policy of your government in forbidding Mexican colonization agents in the United States has defeated this generous intention of my emperor.

Very truly,

JAMES M. PAYNE,
Nashville, Tennessee.

RICHARD L. MAURY,
Sub-Commissioner.

No. 8.

MEXICO, *March 3, 1866.*

MY DEAR SIR: My father has just sailed for England for the purpose of returning with his family to Mexico after the rainy season, in October next. I will forward your letter just received, of the 21st of January, to him there. He will be delighted to hear from you, for your name is often on his lips. His address is "Care of Rev. F. W. Tremlett, the Parsonage, Belzize Square, London, N. W."

I enclose you a circular letter of his, which I am sure you will read with interest. It was addressed to the Rev. Dr. Hawkes, of New York, in answer to one from him, expressing a desire to immigrate, and to learn something of the country of Mexico before leaving his home in New York.

I hope that you will consider that both myself and my office are entirely at your service to render you any aid, assistance, or information that we can, or that you may desire.

I hope in a few months to have published a little work on Mexico, which, in view of the accuracy of the information which it will contain, I think will be very well received by those of the South whose attention has been attracted towards Mexico.

Most sincerely and truly,

RICHARD L. MAURY,
Sub-Commissioner of Colonization, late Colonel C. S. Army.
W. C. S. VENTRESS, *New Orleans.*

No. 9.

OFFICE COLONIZATION, 13 SAN JUAN DE LETRAN,
Mexico, March 14, 1866.

SIR: Your letter of January 30 has just been received. You may rely upon the enclosed circular as accurate.

The inducements offered to immigrants by imperial decree are exemption from taxation, military conscription for a term of years, from the payment of all or any import dues on personal effects or farming utensils, religious liberty, and a grant of land of 640 acres to married men, or 320 to single, either gratis or at low rates and accommodating terms.

Very truly,

RICHARD L. MAURY,
Sub-Commissioner, late Colonel C. S. Army.
REUBEN HERNDON, *Galveston, Texas.*

No. 10.

[From the New York Tribune, June 22, 1866.]

VERA CRUZ, *June 6, 1866.*

The hopes the confederate emigrants to Mexico had entertained of an extensive settlement in that country under the paternal hand of a much admired and praised monarch, as they themselves designated Maximilian, are at an end. The Cordova colony, founded by General Price and Judge Harris, has broken up. The far-famed city of Carlotta, laid out by the former, and consisting of a house, a barn, and a stable, has been destroyed. The fields of coffee, by means of which Judge Perkins, of Louisiana, expected to retrieve his lost fortunes, have been ravaged: the pineapple plants, out of which General Price was to distil a most delicious fourth-proof brandy, have been uprooted and trampled upon by the hoofs of the guerrilleros' mustangs; the palm-roofed shanties, under the shelter of which about one hundred southern emigrants have sought a refuge, have been burned to the ground, and their inmates, homeless and penniless, compelled to fly to the city of Cordova for protection, are now seriously contemplating the abandonment of Mexico forever, and the going back to the United States.

The history of the misfortunes of the Cordova colony is short but suggestive. In the

month of January last several confederate settlers had entered into an agreement with a number of Indians, or peons, for a certain stated amount of labor, which the latter were bound to perform. It seems, however, that after three months the Indians, becoming disgusted with their bargain, if not with their employers, refused to work any longer. This, of course, was most injurious to the interests of the confederate planters. As it was impossible for them to find laborers anywhere else, the withdrawal of their field hands destroyed all hopes of a crop, and virtually placed them in a worse condition than they occupied at the outset. In this predicament they decided that the only way to save themselves from utter ruin was to compel these Indian laborers to fulfil their contracts, and to use violence in case of resistance. They went to a hamlet a few miles from Carlotta city, and there tried to persuade the Indians to come back to the field and resume their labors. But their efforts were of no avail; the Indians obstinately declined going. Thereupon the confederates seized the Indians, tied their hands with ropes, and driving them like a herd of cattle back to their fields, forced them by threats and blows to fulfil their contracts.

The liberals, who were encamped all around Cordova, at a distance of three to five miles, were no sooner apprised of this fact than they met, to the number of about a thousand, and decided to revenge with fire and sword the insult upon their countrymen. They came by night upon the city of Carlotta and the farms surrounding it, entered the houses of the settlers, whom they surprised, carried twenty-eight of them away as hostages, dispersed the rest, burned several houses and shanties, and robbed all they could rob. The liberals spared, however, the homes of General Price, Judge Harris, Perkins, and others, who had shown themselves opposed to all violence against the natives of the country. These gentlemen, I understand, are actually at Cordova with their families, under protection of the military authorities; they have abandoned all notion of settling in Mexico and are making preparations for returning to the United States.

This retaliation of the Mexican liberals upon the confederates occurred at about eighteen miles from Cordova, a city having an imperial garrison and serving as a depot to the railroad company. If the liberals have such power in a place which is under the entire control of the military, I leave you to imagine what their influence must be in the frontier States, remote from all imperialist protection, and where Maximilian's means of action are essentially limited. Nor am I astonished to learn of the horrible condition of those States, and particularly of Sonora, Michoacan, Coahuila, and others, now the theatre of the most savage and heart-rending cruelties.

THE CONFEDERATE COLONY AT CORDOVA.

[From the Mexican Times, June 16.]

The colony at Cordova has suffered a serious interruption at the hands of liberals or robbers, it is not known which, but his excellency Marshal Bazaine has given such orders as will, it is believed, secure the settlers in future against similar attacks. We are glad to learn that the colonists themselves have also formed an organization for self-defence, and while, from the limited number who are thus organized, the protection afforded will not be as perfect as could be wished, yet, with the assistance of the military, it is thought that it will be effective for the future.

We are glad to learn from those of our countrymen who have lately had business to transact with his excellency Sr. Somera, minister of fomento, in relation to immigration, that there is as much activity in the acquisition and surveys of lands for colonization as has ever been known on the part of the government; that the policy of encouraging immigration is earnestly adhered to, and that many and very desirable lands have recently been obtained for that purpose. Messrs. Robert Laurence, Hardeman, and McCausland have been employed to make extensive surveys, and already there are several efficient parties in the field engaged in this operation.

No. 11.

[From the Missouri Republican.]

CORDOVA, MEXICO, *Saturday, December 16, 1865.*

MY DEAR SIR: Your kind and much esteemed favor of the 19th ultimo was handed me a few days since, and I now proceed to answer it, in camp and without shelter, but upon my own six hundred and forty acres, near the town of Cordova and the railroad leading from Vera Cruz to the city of Mexico. The lands in this vicinity are not surpassed by any of the Plate lands in fertility of soil and in the finest climate I ever saw, the thermometer never above ninety degrees or below seventy, and in full view of mountains covered with perpetual snow. I am gratified to be able to say that as soon as the survey was completed the thirty confederates now here unanimously tendered me the choice of sections. I think I have made a judicious selection. I have donated to the colonists twenty-four acres for a town site on a rushing stream of water and by a large spring of excellent water. We have laid off the

ground into town lots and named it Carlotta, after the empress, and we are all now upon our lots, clearing away the brush to erect our houses. I wrote my family to-day to join me here as soon as they can raise the means to do so. I cannot think of returning to the States and be required to ask pardon for the action I took in the struggle. I am entirely satisfied with the part I took. I would do the same again under similar circumstances. I did all that my talents enabled me to do to avert the calamity of war. I was not a secessionist, but when the struggle came I did not hesitate to take the side of the South.

I pray God that my fears for the future of the South may never be realized; but when the right is given to the negro to bring suit, testify before courts, and vote in elections, you all had better be in Mexico.

There is no doubt of the stability of this government; French troops are arriving every week, and the marauding bands that have infested the country for ages past are fast being exterminated; no quarters are given.

When the character of our lands is well understood, immigration will be a fixed fact under any circumstances, and the finest lands, that can now be procured at low rates, will command large prices. I have never known the cultivation of lands to yield such large profits. My neighbor, Mr. Fink, (a man of science,) cultivates eighty (80) acres in coffee with ten hands, and sold his last year's crop for \$16,000. His coffee-field, shaded with every variety of fruit trees, in full bearing, and the walks fringed with the pineapple, is the most beautiful sight I have ever seen.

I am, dear sir, your friend, truly,

STERLING PRICE.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, August 6, 1866.

MR. SECRETARY: I have the honor to send to you, for the information of the government of the United States, a copy of the supplement to No. 19 of the official paper of the Mexican government, published in Chihuahua the 20th of June last, containing a circular from Mr. Lerdo de Tejada, minister of foreign relations of the republic, dated the 17th of that month, communicating the intelligence that the constitutional President of the republic left the town of Paso del Norte on the 10th, with his cabinet, and arrived in Chihuahua on the 17th, where he was received by the inhabitants with demonstrations of the most sincere enthusiasm. The chief magistrate also met the same welcome in all the towns on the way.

I also enclose a note from Mr. Lerdo de Tejada, addressed to me on the 18th of June, and containing a copy of the circular.

It is seen from the above circular that the State of Chihuahua is entirely free from the presence of the French invaders; and in it the assurances are renewed that the President will continue his efforts, as he has hitherto done, to comply with his duty in supporting the cause of independence and the institutions of the republic, until it shall have attained a complete success.

I am pleased to have this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

No. 271.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT,

Chihuahua, June 18, 1866.

I send you for your information copies of the circular I have addressed to the State governments, informing them that the President arrived in this city yesterday, where he returns to fix the seat of the national government for the time being.

I protest to you my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO, *Envoy Extraordinary and Minister of the Mexican Republic in Washington.*

No. 2.

[Translation.]

DEPARTMENT OF STATE,

Chihuahua, Tuesday, July 17, 1866.

The citizen President of the republic left El Paso on the 10th instant, and arrived to-day in this city, where he comes to establish for the present the residence of the national government. As the State is now free from the invading foreign and traitor forces, the citizens of Chihuahua, always moved by their patriotism, have taken still more pains than even on former occasions to make the greatest and most enthusiastic demonstration of their respect and regard for the chief magistrate of the nation. When, on other occasions, this department has announced the change of residence of the national government, caused by the exigencies of the war, it has been stated, and it is, therefore, unnecessary to repeat it now, that wherever the President may be, and under any circumstances, he will always endeavor, as he has done heretofore, to fulfil his duties in sustaining the cause of independence and the institutions of the republic, until that cause succeeds finally, through the patriotism, courage, and constancy of the Mexican people.

LERDO DE TEJADA.

The CITIZEN GOVERNOR.

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,

Washington, August 8, 1866.

SIR: Referring to your communication of the 30th of March last, in which you transmit, for the information of the department, a letter received by you from Colonel Enrique A. Mejia, requesting, in the name of General Escobedo, commanding the army of the north, a return of certain arms, munitions, and artillery alleged to belong to the republican government of Mexico, taken into the possession of the military authorities of the United States, and to your request to have the matter investigated, and to your communication of the same date desiring a similar investigation of the alleged taking by the military authorities of the United States of certain goods said to belong to the republic of Mexico, I have the honor to communicate to you the fact, as gathered from official reports of the commanding officer of the department of the gulf to the War Department, and the conclusions to which this department has arrived, after a due examination of the same.

The capture of Bagdad, far from being a legitimate operation of a belligerent power, or in the interest of a belligerent power, is stated to have been simply a buccaneering scheme, set on foot by four designing persons at Clarksville, Texas, taking to their aid some colored soldiers of the United States service, without either the permission or sanction of the officers of their command. The sole object of the expedition seems to have been the pillaging of the town, as was evinced by the action of the parties conducting it. Immediately after the capture, the plunder was transferred to the Texas side of the river, the town remaining in charge of one Crawford, without, as it is reported, any troops under his command. The arms, munitions, and artillery captured in this expedition becoming unsafe in the absence of any troops to hold the town, they were transferred to the Texas side of the river and the town was abandoned. Thereupon they were taken by the military authorities of the United States and subsequently restored to the original owners.

As regards the goods which you state to have been sequestered by the military authorities of Clarksville, your informants seem to have been in error as to the true nature of the affair. The goods were seized by the custom-house officers of Clarksville for a violation of the revenue laws. The title to them was litigated in a civil court between the original owners, Messrs. Droege, Oetling & Co., and the officers of the Mexican republic who brought them into port, and

they were adjudged to the former. Under these circumstances the executive government of the United States could not change the decision of one of the legally constituted courts of the country, but must refer any further claim to the goods to the proper course of justice, which, in this case, would be an appeal from the judgment of the court.

I avail myself of this opportunity to reiterate to you my expressions of the most distinguished consideration.

WILLIAM H. SEWARD.

Señor Don M. ROMERO, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, August 9, 1866.

MY DEAR SIR : I have the honor to enclose you an extract from the New York World of yesterday, containing the letter on Mexico to which I alluded in my interview with you this morning.

Although the letter is dated in the city of Mexico, there is no doubt it was written in New York by agents of the usurper Maximilian, for the reason that it is dated the 20th of July, and the last Mexican dates received in New York only come up to the 10th of July, and because it contains facts that could not be known by a mere newspaper correspondent in Mexico, and only by persons who have the usurper's confidence and possess his secrets. As a proof of this, is the mention of the return of the German priest, Fischer, to Mexico. It is not long since he was in this city, on his return from Rome, where he went in the usurper's name, as you know, to conclude a concordat with the Pope.

I mention this to show that the writer of the letter is well acquainted with the usurper's plans and secrets, and therefore some regard is to be had for what he says about the relations of the Emperor of the French with his Mexican agent, about the Emperor's indisposal to withdraw his forces from that republic, and about the object of his wife's visit to Europe.

As a general rule I do not attach more importance to newspaper articles than you do, particularly when no details are given ; but the particular circumstances of this case induce me to call your attention to it this morning, for which reason I enclose the extract to you.

Your very respectful and obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Taken from the New York World, August 8, 1866.]

[From our own correspondent.]

CITY OF MEXICO, July 20.

Objects of Carlotta's visit to Europe.—The departure of the empress Carlotta for Europe, although at first it created considerable excitement in Mexico, has gradually come to assume its proper place in its true light, which is an effort on the part of Maximilian to come to a definite understanding with Napoleon as to his Mexican relations. In fact, the policy of the French Emperor has been anything but satisfactory of late. Napoleon seems to delight in ambiguous and mysterious complications, which, however they may act upon the outside world, are not particularly edifying to those whose destinies hang somewhat on his dictum. Maximilian, as I have repeatedly said in my letters, is quite willing that the French troops shall leave, but he must know when their removal is to be effected. Plans of the most contradictory kind, it would seem, are continually being adopted at the Tuileries. Official information arrives by one packet that a definite contract has been effected with the French

Transatlantic Steamship Company for the transportation next fall of the whole French army of occupation. But, in the face of this, additional troops are constantly arriving. Immediately after the rather urgent correspondence which took place last winter between Seward and Drouyn de Lhuys, the work of concentration was commenced. Most of the imperial troops, which the winter before had been marched with such expense and trouble into northern Mexico, were withdrawn from Sonora and Chihuahua into the table-lands of Anahuac, ostensibly with the object of concentrating them around Mexico for a more easy embarkation at Vera Cruz. The ports of Acapulco, Guaymas, and Mazatlan were consequently left meagrely guarded by Franco-Mexican garrisons, and all the adjacent interior towns were abandoned. The predictions then made by the able General Garnier, who commanded the imperial troops in that direction, have been more than verified. Mazatlan and Guaymas are both isolated from the interior; Tepic is threatened, and the work of two years abandoned.

Napoleon's Mexican policy.—It appears now, however, that this policy, although showing on its surface the appearance of a retreat, had deeper foundations. Napoleon, upon examining the situation in Mexico, became convinced that his true course was to keep two things constantly in view: first to gain time, and by an appearance of removing his troops, await some favorable turn of events in the United States which would distract attention from Mexico for more pressing affairs at home; and secondly, that no number of troops that the French nation would long submit to his maintaining in Mexico could possibly occupy so immense a space of territory, and that concentration would not only look like the preliminary steps towards evacuation, but would enable him to act more effectively where his troops are needed.

Mexican wealth and population.—Now an examination of the map of Mexico shows that a vast majority of the population and wealth of Mexico is contained in the central States, in the heart of which their capital is situated. The cities and large towns, with a very few exceptions, are found along the elevated table-lands or plateaux of the Mexican cordillera, known as the plains of Anahuac. Probably six out of the eight millions of the Mexican people inhabit these regions, famous alike for their salubrity and productiveness. It is therefore the possession of these districts that constitutes an actual domination in Mexico. Marshal Bazaine forcibly demonstrated these facts to the French government three years ago, but the idea then was to get possession of the rich gold and silver mines of Chihuahua, Sinaloa, and Sonora, and, by encouraging southern immigration, make them eventually pay the expense of the intervention.

Concentration of the French army.—This policy has been abandoned, and the less expensive but more reasonable one of occupying a smaller but more valuable space adopted. The withdrawal, therefore, of the French and Austrian troops into Central Mexico, while it will by no means permanently endanger the seaports of the Pacific coast, will lessen the expense, as well as consolidate the power of the imperial government. Thus, after a rather vacillating policy caused by the contradictory reports from Mexico, this course has been decided upon. The troops have been concentrated within a few days' call of each other, and, to all appearances, with a view to their speedy embarkation next fall; and yet, in my opinion, nothing is further from the intentions of the Emperor than an abandonment of his Mexican enterprise; and that the emperor Maximilian has the same idea is evident from his every act, for the "Sphinx of the Tuileries" appears to have preserved an imperturbable reserve with Maximilian, as well as with the rest of the world, as to his ultimate views in Mexico.

Will the troops be removed?—It is precisely at this point that the situation becomes complicated and inexplicable. Napoleon promises, in an ambiguous manner, to withdraw his troops; but at the same time they are concentrated so as to present a more formidable front than ever. It is officially announced that the embarkation will speedily take place; but every steamer from France brings additional full regiments to take the place of the scattering detachments returning to France by expiration of term of service. Mail steamers and war steamers are announced to be *en route* for Mexico to bring away the entire army; but as "foreign legions" arrive to take service with Maximilian, both from France and Germany, the available forces of the active young emperor are continually augmenting; for an indefinite number of immigrants with the above title may enter the country, and the United States cannot even expostulate or get up any virtuous indignation. During the war of the rebellion the American government swelled its ranks by tens of thousands by foreign immigrants, and no government presumed to question its perfect right so to do.

Maximilian demands an explanation.—How, then, are we to reconcile these facts with the popular idea that Maximilian is to be abandoned by his European friends? Maximilian is in the dark as to Napoleon's intentions, if one may judge from appearances. Indeed, it is not certain that the French Emperor himself has any definite plan of action, beyond a general fixed idea of clinging to his Mexican enterprise with his characteristic tenacity of purpose. Carlotta's visit to Europe, as I have said above, is for the purpose of having an *éclaircissement* of these knotty questions. Verbal explanations are always preferable to written ones, which as often complicate as unravel political entanglements. The empress, who is one of the most accomplished ladies of Europe, having been brought up under the eye of the Nestor of kings, will solve the riddle concealed within the brain of Napoleon, if human ingenuity can accomplish it. As it stands now the question is "very mixed," to use a newly coined phrase, but of one thing your readers may rest assured, and that is, whether

Napoleon deserts or continues to sustain the Mexican empire, Maximilian will remain here and be supported by the Mexican people. What he wants is to know, beyond peradventure, his standing with France. He will not occupy the position of a puppet in the hands of Napoleon. The Mexican affair may be a very prolific one for the French Emperor to manage, as political circumstances may suggest, for his own glory, but Maximilian has much loftier views than mere personal considerations. Whatever he undertakes he never abandons. Difficulties only nerve him to greater exertions. To leave Mexico is the last idea to enter into his calculations for the future.

Affairs at Tampico.—In my last I pictured the condition of affairs by the latest accounts at Tampico, which, owing to an ill-judged security on the part of the imperial government, had been left to be defended by its citizens against the liberals, who had cut off its supplies from the interior. The long expected aid has arrived, and the city, which I observe by American newspapers was about to fall into the hands of its assailants, has been relieved. The inhabitants, who had stood quite a long siege, sallied out, and, joining the relieving forces, drove the liberals into the mountains, capturing a large number and wounding and killing many. Tampico may now be considered as safe. There have been several smart actions lately, in which the imperialists were victorious, as they generally are when the numbers are anything like equal.

Matamoras and its capture.—It cannot be denied by the government that the fall of Matamoras has produced a profound effect on all sides; not that the possession or loss of such a town in itself could be of such surpassing importance, but because its loss involves serious consequences, which call for an energetic movement by the government for its recovery. To possess Matamoras places the whole line of the Rio Grande indisputably in the hands of the enemy, and gives them a point from which to operate with more security with disaffected persons who have located in Texas. The *Ere Nouvelle*, an influential French paper published here, says that the blow is the more severe from its being unexpected. "It was supposed," says this journal, "that the campaign commenced by General Jeanningros, the double defeat sustained by Cortinas at the hands of Olivera, the increasing discord in the Juarist camp, and, finally, the proximity of the French troops in Nuevo Leon and at Saltillo, were sufficient guarantees, if not for a complete pacification, at least against any immediate danger of a disaster."

Bazaine en route to recapture it.—This, however, is the only disaster the imperial troops have sustained on this side of the continent, and it will soon be remedied. Marshal Bazaine has reached San Luis Potosi, and will soon have effected a junction with the Franco-Mexican forces at Monterey and Saltillo, whence a regular movement will be made upon Matamoras for its recapture. In fact, I can state with certainty that this policy has been decided upon, and it cannot be long before you will hear music from that vicinity. Matamoras has been continually in a ferment since the French occupation, passing from hand to hand, and acquainted with sieges, battles, and assaults. It is of the first importance that such an important defeat should be recovered. In fact, the situation demands it.

The imperial cabinet.—It is not yet decided who is to take the place of Senor Castillo, the minister of foreign relations, who has accompanied the empress to Europe. He is a young man of first-class attainments, cautious and reliable beyond most of the talented characters who have gathered around the emperor. His health has lately suffered much by over-application to the duties of two departments, those of foreign affairs and finance. The emperor seems to be gradually ridding himself of his native Mexican advisers. Ramirez, who has always been a sort of marplot to the success of Maximilian, was particularly courted as a representative of the liberal party, and his nominal adhesion to the empire was considered as a great point gained. He was appointed minister of state, and figured quite largely at state balls and cabinet councils; but, like most Mexicans, was far behind the times, and lacked the nerve to face the critical issues of the country. Maximilian decorated and dismissed him, and, as fast as circumstances will permit, will rid himself of the others in the same way. Lacunza and Castillo are both of Spanish blood, but were educated and brought up abroad, and have thus been purged of their inherent opposition to progressive ideas. Eloin, his chief of cabinet, is now in Europe. His council of state is necessarily Mexican, but they do little more than wrangle over the questions submitted to them, and in all important issues the emperor listens to the opinions of all, and then adopts his own.

Settlement of the church imbroglio.—The question of the church has been finally settled at Rome by the emperor's special envoy, "Padre" Fischer, a distinguished German prelate, who is now believed to be *en route* to Mexico. This has been the most difficult matter to arrange of all the delicate issues in this Mexican complication; but, as in all cases of the kind, Maximilian has boldly faced it, and succeeded in satisfying all parties. He is a good Catholic prince, and so recognized by the Pope, who now clings to every vestige of his temporal authority with redoubled tenacity, and has never had the slightest idea of excommunicating such a staunch supporter of the real interests of the church, although at one time it was rumored that he had been put outside the "awful circle," owing to his bold measures regarding the church and liberal imbroglio in this country.

Affairs at the capital.—While Louis Napoleon is watching the political horizon, and placing himself in a position to trim his sails to suit the Monroe-doctrine gale from the United States,

Maximilian is making his arrangements for a life-lease in Mexico with the utmost unconcern as to any outside movements. He has bought the old palace of Cortes at Cuernavaca, and will repair it for his future country residence. He is making important changes in the imperial palace in this city; he is improving the capital in a hundred different ways: building railroads, and opening roads into the interior; planting avenues of trees; publishing codes of laws; establishing steamship and telegraph lines, (and, by the way, regularly paying the subsidies granted to them); raising and equipping an efficient native Mexican army; collecting a revenue under Langhais's new system; visiting benevolent institutions; endowing colleges, and arranging for affairs twenty years in advance, as if the country were in profound peace. This certainly does not look much like verifying the New York Herald's periodical paroxysm of "packing his baggage" for a flight within thirty days from Mexico, which for two years has been predicted with such stereotyped certainty that each leader in that valuable journal on Mexican affairs is only a repetition of the last. If a liberal use of ink could induce Maximilian to quit Mexico, he ought to have fled from its shores many months ago; but here he still remains, as secure in his imperial position as ever, and it might be well for the several caudillos who are wrangling at Washington as to which shall succeed him, to remember the old cooking recipe about first catching your fish, &c., &c.

VIAJERO.

Señor de Santa Anna to Mr. Seward.

NEW YORK, August 10, 1866.

DEAR SIR: The political crisis in Mexico has arrived at a climax, and I can no longer remain inactive, and not endeavor to contribute towards the salvation of my country.

While Juarez, Ortega, and the chiefs of various bands are disputing among themselves the right to govern, my unfortunate country is rapidly declining, and from advices lately received, it is certain that Maximilian is contemplating leaving Mexico, in which event the country will most assuredly be plunged into anarchy more terrible than has yet been experienced.

From this destiny I wish to save my country, and assist in the expulsion of the last-foreign bayonet; and more than all, I am desirous of securing to Mexico peace, and to protect my countrymen as well as foreigners, and give them an opportunity to select the man by whom they wish to be governed.

Your excellency, while at St. Thomas, encouraged me in my enterprise, and I again repeat that the moment has arrived when it is necessary to act, and all I now require is your support. To this end I have charged Mr. J. N. Lake, of this city, to hand you this letter, he being a confidential medium through whom to convey my ideas to you, and give you all necessary explanations, and who will have full power and authority from me, duly executed, to negotiate and transact any and all business relative to this matter.

Upon your assistance I rely in this undertaking, when the interests of a sister republic are at stake, and when the time has arrived to strike the decisive blow for the expulsion of foreign intruders and the tyrannical domination of France.

Should we now succeed in our endeavors, and once more see Mexico free and my countrymen reinstate me in the highest position within their gift, it would afford me the greatest pleasure to reciprocate all your kindness, and show my gratitude to your government with a liberal hand.

Should your excellency desire a personal interview with me, I shall be willing to undertake the journey, preserving, of course, all possible privacy during the same.

I have the honor to be your excellency's obedient servant,

A. L. DE STA. ANNA.

His Excellency WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Romero to Mr. Seward.

[Translation]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, August 12, 1866.

MR. SECRETARY: Continuing my communications to the government of the United States of the chief occurrences in the Mexican republic at this critical period of its political existence, I send you to-day the enclosed indexed documents relating to Don Antonio Lopez de Santa Anna's offer of his services to the Mexican government, and the determination of my government not to accept them, as of no interest to the cause, and for other reasons, given at large in Mr. Lerdo de Tejada's note, of which I enclose a copy, (No. 8,) and to which I alluded in my interview with you at the Department of State on Thursday last, the 9th instant.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, in relation to Don Antonio Lopez de Santa Anna's offer of services to the Mexican government.

No.	Date.	Contents.
	1866.	
1	May 15	Protest of the New York Mexican Club against Don Antonio Lopez de Santa Anna.
2	June 5	Don Antonio Lopez de Santa Anna's manifest to the Mexican people, dated at Elizabethport, New Jersey.
3	June 20	Reply of the New York Mexican Club to the manifest.
4	May 24	Mr. Romero sends a copy of Don Antonio Lopez de Santa Anna's offer of services to Mr. Lerdo de Tejada.
5	May 21	Don Antonio Lopez de Santa Anna makes a formal offer of his services for the Mexican government to Mr. Romero.
6	May 25	Mr. Romero sends Mr. Lerdo de Tejada a copy of his reply to Don Antonio Lopez de Santa Anna.
7	May 25	Mr. Romero informs Don Antonio Lopez de Santa Anna that his offer will be sent to the government of the republic, as he is not authorized to decide upon it.
8	July 6	Mr. Lerdo de Tejada informs Mr. Romero that the government of Mexico cannot accept the services of Don Antonio Lopez de Santa Anna.
9	Aug. 6	Mr. Romero informs Don Antonio Lopez de Santa Anna of that determination.
10	July 12	Decree of the usurper Maximilian ordering the sequestration of Don Antonio Lopez de Santa Anna's property in Mexico.

No. 1.

Protest of the Mexican Club of New York against D. Antonio L. de Santa Anna.

NEW YORK, May 15, 1866.

Whereas, on account of the arrival of Don Antonio Lopez de Santa Anna in the United States, rumors have prevailed that he will attempt to interfere again in the affairs of the Mexican republic, which he has oppressed, impoverished, and betrayed, the Mexican Club of New York, whose members are republicans, attached to the independence of their country, considering that the aforesaid Don Antonio Lopez de Santa Anna has been the most obnoxious man to Mexico, the source of her evils and calamities, the promoter of disorder and anarchy, the violator of every law, the destroyer of freedom the oppressor of the people, the

corrupter of society; considering that to all these titles, which render him odious and which created against his tyranny the most popular revolution recorded in the annals of Mexico, he adds that of traitor to his country—for, in 1854, while holding the dictatorship he usurped, he committed his greatest offence, in the betrayal of his country by empowering Don José Gutierrez Estrada to ask in his behalf from the European nations the establishment of a monarchy in Mexico; considering that as soon as this crime was accomplished by the aid of French intervention, Don Antonio Lopez de Santa Anna, rejoicing over the foul deed he had originated, made haste to tender his fealty to the Archduke Maximilian of Austria, recognizing him as the emperor of Mexico; and, finally, considering that if he afterward issued manifestoes against the empire, they do not obliterate the crime which he perpetrated, and are but an evidence of his being consistent only in his inconsistency, and of his having not received from the invaders the reward he expected from his treason:

They do hereby declare and protest—

1st. That they see in Antonio Lopez de Santa Anna the most odious tyrant, who betrayed the cause of native independence, and abused the public power.

2d. That they believe that his name alone would be sufficient to stain the noble cause which the Mexican people are struggling to maintain, and to endanger the consolidation of liberal institutions, and make certain the impunity of every traitor: that the Mexican people cannot trust the word of the man who has ever abused them, and that were they to see him in the national territory they would claim that, in satisfaction to law and justice, he should be submitted to trial, and receive exemplary punishment, as guilty of high treason.

The Mexican Club resolves that the foregoing declarations be published, to prevent public opinion from being misguided, and the candor of the men who sympathize with the cause of Mexico from being abused; and they entertain the warmest conviction that the republicans of Mexico shall never concur in the irreparable error of dishonoring their ranks by admitting among them the man who was always the foe of freedom, and who, abusing all honor, begged for Mexico the shameful foreign yoke she now wears.

FRANCISCO ZARCO, *President.*

Juan J. Baz.
Francisco Ibarra.
Pantaleon Tovar.
Jesus Fuentes Muniz.
Francisco Elorriaga.

José Rivera y Rio.
Pedro de Baranda.
Juan A. Zambrano.
Juan M. Zambrano.
Rafael de Zayas.

And thirty-four other names.

CIPRIANO ROBERT, *Secretary.*

No. 2.

General Antonio Lopez de Santa Anna to the Mexican people.

From time to time nations are tried by Heaven in order to teach them that they should walk in the paths of reason, and to awaken in them noble sentiments of justice and of duty. The city of Numa reached the highest point in the scale of human greatness while right remained her guiding star, virtue her counsel, and union the shield and strength of her sons; but later, when those saving principles had become forgotten, the mistress of the universe became a slave, and was forced to learn the language of Attila and Alaric, in order to execute the orders of her masters. Such is the destiny of those nations that abuse the gifts and advantages with which Providence favors them. History is full of great but sorrowful examples of this fact. A sad fate has fallen upon our beloved country. The silence inspired by tyranny and the despondency of our fellow-citizens have succeeded the joyous festivals of liberty. The most energetic and expressive words lack strength and meaning to depict the desolation of our fields and the mourning that fills our cities. Yet we will not despair. Mexico has within herself powerful elements to enable her to triumph over the evil, and to even blot out her past record of misfortune. The heroic resistance of our compatriots confirms this hope; and we should not forget that "a people fighting for liberty and independence is invincible."

On casting a glance over the blood-stained plains of Mexico, it is a consoling thought that all our misfortunes have been useful for the present and fruitful in lessons for the future. Those misfortunes have developed and strengthened the national sentiment; and from the midst of the nation's ruin we have begun to build up a new and a moral country, under the impulse of our common participation in misfortune. There were Mexicans, it is true, but no nation. Now all our domestic hatreds have been concentrated into one common cry of vengeance on the invaders of the sacred soil left to us by our fathers. Yes, the nation does exist in the hearts of Mexicans, and great are the lessons which we have gathered from the field of error and experience to guide us in forming the rule of our future conduct. Though having followed different routes, we meet to day at the same point—tired, it is true, but not overcome by our constant fighting. Let us embrace one another at this critical moment of our existence; let us work in concert for our common cause, as we did in those glorious days

when we broke to pieces the chains of the conquest; let the nation rise as one man, and the sceptre as well as the crown of Maximilian will fall and be buried in the depths of the seas. Our riches and prosperity in days gone by were the cause why our civic virtues, undermined by luxury and indolence, were disappearing from day to day; but adversity and poverty commenced to develop again in the nation those same virtues which are the strength and the glory of every people. Let us learn in the great school of misfortune to give their full value to those precious gifts of liberty and peace. Let every Mexican become a soldier of the republic, and after the victory has been won and the clash of arms has ceased, he will be a good citizen, skilled in defending the conquests made by his patriotism, and having an interest in their preservation.

Although it is contrary to my character, and notwithstanding my natural repugnance to speak of myself, it is incumbent upon me to do so on this occasion. Never, not even for a moment, have I ceased to be a Mexican, whatever may have been, at different times, my opinions regarding the system of government suitable to my country. Nor can I with justice be accused of self-will or egotism, for the motive of my action has always been the happiness and prosperity of my native country. Providence has chosen that my history should be that of Mexico since 1821, when I figured as one of the leaders in the struggle for independence, and that heroic country should inscribe her name, with my aid, on the map of nations. I first proclaimed there the republic, on the 2d of December, 1822, announcing a hitherto unknown divinity, as the Apostle did on the Areopagus; and so little prepared were the people for understanding and worshipping it worthily, that at various times the doubt assailed me whether I had accomplished my work. In the plan according to which a Mexican nationality was first organized our independence had been brought about in connection with the idea of constitutional monarchy. This was, at that time, the faithful expression of a very general desire in Mexico—of an aspiration that was not foreign to honorable motives. Besides, in the other sections of Spanish-America the cry for independence has arisen, protesting against the intruding government of Napoleon I, and swearing fealty to Ferdinand VII, son of the dethroned monarch. It is well known that the bad policy of the sovereign turned that sentiment into one in favor of complete emancipation, and that the genius of leaders like Bolivar and San Martin did the rest. Many distinguished and patriotic Americans had their thoughts bent upon monarchy at the time of organizing the new governments; and some of the ministers sent to Europe carried with them instructions to negotiate on that basis. The idea of a republic, however, prevailed, and Spanish-America was divided and organized under that form, and the flag which covered her indomitable legions in a hundred battles was tricolored.

This is not the proper place to speak of the armed European intervention, nor does it belong to me to speak now of that diplomatic combination, much less to write its history. Withal, it is necessary to state that the tripartite intervention, as it was presented to us, differed totally from the manner in which it has been understood and carried out by a single one of the conflicting parties. The intervention of three nations, each one powerful enough of itself to carry out any definite resolution regarding Mexico, could not be considered as a combination to usurp our rights, since its co-operation was generally regarded as a neutral element, and as a means afforded to the Mexicans for putting aside partisan excesses so that they might be able to discuss, to reason, and come to an understanding as to the most adequate and convenient manner of constituting their form of government for the maintenance of their nationality, independence, and autonomy. But the original plan of the intervention having been broken up by France, in taking upon herself alone the initiative in the matter, there came a total change over what had appeared to be the means of arriving at a settlement; and, from appearing as a mediator, the foreigner changed himself into the arbiter of our destinies. It was necessary at all hazards to visit the theatre of events in order to investigate the proceedings and attempts being made by the new interventionists. With this conviction, and following the suggestions of old friends, I resolved to go to Vera Cruz. What took place on my arrival is known to all. General Bazaine rudely drove me from the Mexican territory, and I was obliged to re-embark shortly after my arrival. I bear no resentment on this account. I am rather glad that the outrage was committed, because it may have saved me from making certain compromises which circumstances might have imposed upon me, and because it opened my eyes regarding the intentions of the interventionists. Having been absent from Mexico since 1855, other agents took upon themselves to represent and direct public opinion, entirely free from my influence. It was others who were the guides of the allied invasion, who negotiated with the archduke, and who finally escorted him to the capital. My antagonists say that I went in search of an elevated position near the archduke. The truth is I went thither to look after the interests and liberties of my compatriots, and not to separate myself from the real interests of the people.

To what greater glory could I aspire? What more could he have given me who was styled emperor? Open the history of Mexico, and it will be seen that all my ambition has been satisfied. Nothing could be of greater value in my eyes than the sash of general of division and the title of "well deserving of his country," with which, in 1829, on the banks of the Panuco, the people's gratitude rewarded my patriotic efforts in achieving the national independence. For no other honor have I more regard than for the wounds with which I am covered—memorials of our glorious struggles against powerful nations.

I have thus in no manner compromised myself with the empire. I belong entirely to the republic, and, in presence of the danger that menaces our country, the names of all parties disappear from my sight. I am not a conservative, nor am I a liberal. I am a Mexican.

It becomes me now to set forth the conduct which I have followed in my last administration, and that which has governed me since. In February, 1853, while I was living in a city of New Granada, I was called by my compatriots to exercise discretionary powers—a measure believed to be salutary in the midst of the nation's conflicts, divided as she was by hatreds and under the rule of anarchy. I was obliged not to hesitate. Duty, patriotism, dictated my resolution. I flew at the call of my fellow-citizens, and in April of that year I assumed charge of the supreme direction of affairs. The power of dictator is a tremendous one, but I accepted it with the consciousness of doing good, and with the determination to use prudently so formidable a trust. I felt in my heart enough patriotism not to go beyond the wishes of my fellow-citizens, sufficient love of glory not to render myself unworthy of its favors, and a profound respect for posterity not to render myself unworthy of its applause. Fortified with these convictions, I undertook the struggle against the obstacles which the genius of discord was heaping up on the road to peace, to order, and to the progress of the nation. Two years and four months did I bestow upon that task, with a vigorous energy and an unshakable resolution. Confidence on all sides was awakened, trade flourished, the arts sprung up, and the domestic as well as the foreign credit of the republic was re-established, as it were, by magic. I have the approval of my conscience; it tells me that I have done my duty. Supported by the whole nation, the acts of my administration were received with respect; sustained by a splendid army, full of courage, disciplined, and addicted to my person, and having in my hands the destinies of the people and army, which they placed there themselves, what better chance could there be to revive in my favor the plan of Iguala? But, say what my adversaries will, I am a stranger to the ambition of vulgar souls; sentiments more elevated find a home in my soul, as well as higher aspirations. In order to have worn the imperial diadem, it would have sufficed for me to have stretched forth my hand; but never has the royal purple dazzled my eyes; and if at any time I could have dreamed of it, the bloody picture of Iturbide, would have aroused me in time to fly from the seductive and treacherous delusion. Generals and even governors of departments awaited only my acquiescence in order to proclaim me emperor on my birthday; but faithful to my principles, I was obliged to use even threats in order to silence the proposals of those who thought it a personal honor to me and an advantage to the nation that I should wear the crown. In the midst of intestine convulsions minds were blinded by the extreme exaggerations of party, and despairing of being able to constitute ourselves in any stable manner under a republican system, persons were not wanting to blame me publicly as the promoter or the originator of the interpretation that was given to the plan of Iguala, after Iturbide's failure. A few years afterwards, in Mexico, as well as in other sections of Spanish America, a feeling of disappointment sprang up on witnessing the sad results produced by the trial given to our new institutions; and many men of well-disposed and of strict principles became disabused to such an extent that Generals Bustamante, Bravo, and Paredes, among us, and the illustrious San Martin, in South America, believed it to be their patriotic duty to advocate the establishment of a monarchy. There had been, on other occasions, attempts made to call a constituent assembly, in order to submit this retrograde step to its decision. Many worthy persons, during my last administration, wished to revive the same idea, and for this reason Señor Gutierrez de Estrada was authorized to have an understanding with the different courts of Europe, and to inquire what were the ideas of foreign sovereigns on the subject before such a project should be undertaken. But the war, which at that time absorbed the attention of Europe, prevented said mission from having any result; hence the project was for the time abandoned.

From this exposition it follows that the document which has been presented as overwhelming and conclusive against me is, on the contrary, a source of satisfaction to me, as it shows forth an act of disinterestedness and self-denial on my part. As if to give greater force in my detriment to the publication alluded to, there have been likewise printed, with some alterations, certain letters which have been confided to the discretion of friends for circulation. I will not undertake to call such conduct by its proper name, but I may be allowed to ask whether, by any chance, the ideas contained in said letters brought the intervention to Mexico and seated Maximilian upon his throne? How can my supposed complicity in such acts be explained when contrasted with the action of the French authorities in driving me from Vera Cruz, after having forcibly made me sign a paper recognizing events that had already taken place? In what document of that time, public or private, did my name appear as an accomplice of the intervention? What favors have I received from the archduke? His silence gave full sanction to the violence used against my person. My adversaries admit that they have failed to bring the matter home to me, and that their deductions, with regard to the letters in question, are not as tenable as has been maintained.

On the other hand, is it just to make me alone responsible for an idea which, in addition to the examples already cited, has occupied the attention of other thinking and patriotic men, who, while they erred in judgment, did not do so knowingly, but in perfect good faith? Bolivar, who indignantly spurned San Martin's views, became subsequently the advocate of the form of a republic called Bolivian, which has been denominated monarchical by a num-

ber of liberals; and yet three or four years later many eminent Colombians favored the establishment of a constitutional monarchy in South America, and made certain diplomatic moves in the premises for the purpose of causing the new states to be ruled by European princes. Iturbide, the liberator, was less disinterested, as he derived personal advantages by his own interpretation of the sentiments upon which the Iguala plan was based. That error cost him his life: but his countrymen speedily discovered, after his death, the great services rendered by him to the nation, and how patriotic and generous were his imperial projects.

I refer to these facts as the most convincing record in the annals of Spanish America, and I ask, may I not also have erred in good faith, as well as so many other men of sound principles and recognized ability? Wherein is it criminal or unpardonable that I should have despaired, as many others have done, of our republic, and allowed a trial of a constitutional monarchy, established without my co-operation, and when the sceptre was not to be held by me?

A bandage covered the eyes of our people and my own. We have jointly erred and suffered, and we have now warning and experience. I am not egotistic, and I desire to take part in repairing our error.

Where is the Mexican who can refuse my services without incurring the opprobrium of history, or deny me the right to fight, and die if necessary, in the defence of our desolate hearths? If it is desired to achieve a solid and enduring peace, is it just or right to turn the back upon an old soldier of the nation, who only asks his countrymen for a spot of ground where he can stand and fight against the usurpers of our rights? Who is there that has sufficient authority to say to me, "Stand back! you are a Mexican, but you cannot be allowed to draw your sword, as of yore, in defence of the country which gave you birth, and of the republic which you yourself founded?" Upon what principle, whether liberal or conservative, could such injustice be upheld? In the great struggle of our country no element, however insignificant it may appear, that can be used to the advantage of a nation, can be considered useless. Further, I perceive, in view of the facts already stated, and of the events that have taken place in our country during the last five years, that the general tendency of the people is in favor of a republic, and that monarchy is an impossibility in Mexico. In Spanish America the throne is the forerunner of the scaffold. Party sentiment must not be made the criterion of the course of contemporary actors. It rests with history to give an impartial version, and I am certain that history will do me justice.

Stand together, my countrymen! Let us consign all such recriminations to oblivion, for they are detrimental to our country. I have given an explanation of my public acts, and in like manner I am ready to give any guarantees for my sincerity that may be required. Do not forget that domestic dissension, when the soil of our country is being profaned by foreign invaders, is equivalent to desertion in the face of the enemy; and that, although there is no military law whereby it can be punished, yet we must pass through the ordeal of an inflexible and avenging posterity, which will reward only self-denial, patriotism, and true magnanimity.

Juarez is a good patriot, and Ortega is a worthy son of Mexico. Why are they not united? Why augment, through their disunion, the afflictions of our fellow-citizens? I hope yet to see them friends. It is not for me to say who has a right to the presidency, nor on whose side is the law; my object is to avenge the affront offered to our country by driving far from her midst the implacable tyrants that oppress her. Let all dissensions among our compatriots cease, and let all hatred be reserved for the foreign domination that covers us now with ignominy and shame. Juarez and Ortega should put an end to their resentments by a cordial embrace. Long and strenuously have the defenders of the republic struggled in Mexico; and, notwithstanding such great heroism, so firm a constancy, and so much sacrifice, the work is to-day no further advanced than it was in the beginning.

By reason of my antecedents, of my position in the conservative party, and even of my long absence from the country, I believe myself to be the one called upon to reconcile all minds, setting the example of submission to the constitutional government, as I now sincerely do. Thus I perform a patriotic duty, I obey the impulses of my own heart, and I satisfy the desires of hundreds of Mexicans who have called me to action. It will not surprise me to find my conduct misconstrued and base intentions attributed to me, inspired by egotism. I expect that already; I am prepared for all. But I shall nevertheless feel for my country at the sight presented by some of my fellow-citizens rejecting all association with me in these solemn moments of our country's life. I shall have fears lest our past experience and the warnings which we have received prove of no avail in producing union. Those who so oppose me will have given an eloquent explanation of our past misfortunes; but let them take note that I will never cowardly abandon the cause of the republic. Should my hopes be frustrated by unexpected events, or through the influence of bad passions, I shall have fulfilled my duty at all events, and the world can judge whether others have done theirs more faithfully than I have. My heart is young enough, and my arm is strong enough to take part in the glorious struggle which is destined to achieve the second independence of Mexico. I feel that this is in accordance with my antecedents, my position, my years, and the glory which I desire for my name. I do not wish to give up the sole ambition that impels and rules me, namely, to drive our oppressors beyond the ocean, to re-establish the republic, and then withdraw to private life once more. No throne on earth could tempt me

from that retirement, and I solemnly declare that on the day of victory I will demand no other reward.

Let us advance and unite the standards of our country which have been torn by the hands of the usurpers. Let us set again on its sacred pedestal the statue of liberty, thrown down by the invaders. Let us give no rest to the tyrant who oppresses us. He has changed our vast plains into frightful deserts, where the bones of our brethren, immolated on the altar of duty, or victims to the hired assassins of an empire, lie bleaching. He ruins the nation's exchequer, and makes monetary contracts abroad that are unwarrantable, believing that it will be easy for him to throw their weight upon the shoulders of our martyred people. The Austrian prince has spread a veil of mourning over the glory of our annals, and in place of the prosperity which he promised, he has loaded us with misfortunes, and has covered us with contempt and ignominy. Thousands of widows and orphans cry out for vengeance. Let us avenge them, compatriots! Union and fraternity be among us until we accomplish this!

It is now time, Mexicans, to forget forever our past contentions, and to make a strenuous effort, at once terrible and simultaneous, against our enemy. The tremendous onslaughts of our indomitable soldiers will bring the reveille of liberty, joy to the hearts of mothers, and rejoicing to our country. Heaven grant that the contentment which I foreshadow be not disturbed by new fratricidal dissensions! Union shall be my watchword before the fight! Union, again, after our victory.

God alone is infallible, and it would be monstrous presumption on my part were I to set myself up as free from error during my long public career; but, with my hand on my heart, I can say that never has my will been an accomplice in my faults, but rather in impotence of human nature to accomplish good in the absolute.

Trust to the sincerity of my words and intentions. I cannot, I should not, nor will I, close the book of my life with a falsehood. I only seek for my tomb a new laurel tree, whose shadow shall cover it in the midst of peace.

Let us hasten the hour of our national triumph. Confide in my words, and be ready.

Down with the empire! Long live the republic!

A. L. DE SANTA ANNA.

ELIZABETHPORT, NEW JERSEY, June 5, 1866.

No. 3.

MEXICAN CLUB IN NEW YORK,
New York, June 20, 1866.

The manifesto issued by Señor Don Antonio Lopez de Santa Anna at Elizabethport, on the 5th instant, suggests many and various reflections to any one acquainted with the history of Mexico. As soon as we knew that Señor Santa Anna was desirous to intrude himself again into our political affairs, we published a protest against his pretensions. It will, then, astonish no one if we present now some of the main reflections occurring to us on reading this last address.

Señor Santa Anna begins by laying down certain general maxims of historic morals, which, if they can be applied in any manner to our country, involve ideas absolutely erroneous. He speaks of the punishments that Heaven sends upon people *who abuse the gifts and advantages that Providence bestows upon them*, and then applies them to our country in these words:

"Our riches and prosperity in days gone by were the cause why our civic virtues, undermined by luxury and indolence, were disappearing from day to day." (See *Manifest*, p. 4.)

We regret that Santa Anna, who has played such a prominent part in the history of Mexico for so many years, should make an assertion so ridiculous to men of sense, though it has been very often repeated. We have never been rich, happy, and lazy. Though our country has many elements of wealth, chiefly mineral, they have not been developed, nor can they be, from natural causes and for social reasons entirely foreign to the will of the Mexican people.

The natural features of our country, its numerous and immense mountains, its want of navigable rivers, and even of spring water in many parts, are natural disadvantages that have retarded the progress of civilization, impeding moral and material progress, and easy modes of communication.

The lamentable condition in which we were left by the ignorance of our conquerors, the ideas of intolerance and fanaticism we inherited from them, have been some of the obstacles to the prosperity of Mexico, and, in general, of all the Spanish American countries.

For these causes, entirely independent of our will, we have been poor and miserable, and hence the revolutions that have troubled us; it was not the supposed abuse of gifts and advantages, so lightly spoken of by some. Mexico can be, and will be, rich and happy; but it has not yet become so, because, in the order of nature, it is impossible for a new-born infant to have the strength of a giant.

Is not the four years' brave resistance of the people against their invaders a proof to Santa Anna that the civic virtues of the people have increased, and not diminished?

But you should not be surprised, continues Santa Anna, that the great men of Mexico and South America should have similar ideas; *mine was a project never realized.*

If crimes are to be excused because notable men have committed them, courts of justice had as well be shut, and the word moral blotted from the dictionary.

Traitors have lived in every nation, and, without going back to remote times, Santa Anna may look at the late President of Santo Domingo as a notorious example.

In regard to the failure of his project, Santa Anna takes care to tell us that it was not through him it failed, "*but on account of the war that then absorbed the attention of Europe.*" (See page 10 of the *Manifest.*)

We will here mention his reason for recognizing the Maximilian intervention at Vera Cruz, in another manifest published at St. Thomas, the 8th of July, 1865, after General Bazaine's rude treatment made him suddenly change from monarchist to republican.

"*I must explain,*" said Santa Anna to the Mexicans. "The newspapers of the capital published my recognition of French intervention. That act was not of my free will; it was forced upon me by circumstances."

"*The steamer in which I came had hardly cast anchor in the port, when the French commander of Vera Cruz came on board and informed me that I could not land till I signed a conditional paper. If I did not sign I was to go back on the same steamer. The conditions were that I recognized the intervention and the monarch elect, and I should address no manifest to the Mexican people. This insolence excited my indignation; but a long voyage made my wife very sick, and the advice of friends who came on board to see me persuaded me to sign the condition.*"

In Santa Anna's reply to General Bazaine, at Vera Cruz, on the 12th of May, 1864, he says, *as he did not understand French*, when he signed the paper, he thought he was only required to *recognize intervention and Maximilian*, but not to remain mute. Both these documents say that Santa Anna recognized the emperor Maximilian and French intervention; but the explanation is not very satisfactory.

In 1864 he told General Bazaine he did not know what he was signing, because the writing was in French; and in 1865 he said the proposals of the commander at Vera Cruz had caused him great *indignation*; and this is a certain proof he knew what he was signing.

When General Santa Anna speaks of himself, he does not wish to be accused of inconsistency. Perhaps not; but whoever looks at any of the periods of his life cannot but confess that he changes his opinions with considerable facility. He was a warm republican in 1822—lukewarm and discouraged after a little while; he was a monarchist from 1853 to 1864, at least; and again he is a decided republican and a partisan of constitutional liberty in 1866. If we add to this the time in which he was partisan and defender, as a military man, of the Spanish domination, we shall see that the charge of inconsistency, which he thinks very hard, is justly deserved, and he cannot deny that we have a reason to call him changeable.

One of the proofs of levity given by General Santa Anna is to have believed and said that one of the objects of the tripartite intervention was to secure the happiness of Mexico. Any one having the slightest acquaintance with history and with the human heart would have known that natives are not in the habit of shedding their blood and expending their treasures disinterestedly, and for the simple pleasure of doing good. Still further, all sensible men, all independent newspapers of every country, pointed out with the greatest clearness the true object of the three powers in interfering in the business of Mexico—the destruction of republican institutions during the civil war which reddened the territory of the United States. Every one said—and among them General Prim, whose official opinion cannot be doubted—that the Mexican republic was to be destroyed and a monarchy substituted in its place, and that the Archduke Maximilian of Austria was to be at the head of that monarchy. On the 30th of November, 1864, the same Señor Santa Anna wrote from San Thomas to his old friend and agent Don José Maria Gutierrez Estrada—and this before the allied forces had reached Vera Cruz—the following:

"The candidate of whom you speak to me (his Highness Archduke Fernando Maximiliano) is the best you could find; therefore I hasten to give him my approbation."

It seems that Señor Santa Anna knew as well or better than any other that the true object of the intervention was to destroy the republic and substitute for it a foreign prince supported by foreign bayonets. Nevertheless, he asserts that he was ignorant of what was going on, and on that account he thought it was necessary for him to go over to the intervention in order to investigate its proceedings and its attempts, and to watch over the guarantees and freedom of his countrymen. This is the natural explanation of his visit to his country in 1864.

Here he will allow us to remind him of the following facts:

On the 24th of February, 1864, the day following his arrival at Vera Cruz, he addressed to Don Juan de Dios Peza, who styled himself under-secretary of war and navy of the regency, a communication, in which, after acquainting him with his presence in that city, he uses the following words:

"In coming back to my native country, my intention is to co-operate, as much as I can, in the consolidation of the form of government that the nation has thought proper to adopt under the beneficent protection of the illustrious Prince designated in the high counsels of

Divine Providence to raise the nation from the abyss of misfortune into which she was plunged by anarchy.

"I bring to the knowledge of the regency that it can have my humble services, and dictate the orders it wishes to the oldest veteran of the Mexican army."

This very clear expression of sentiment, signed by Señor Santa Anna, perfectly agrees with a humble letter which he previously addressed to Archduke Maximilian on the 22d of December, 1863, and with the manifesto to the nation published in Orizaba. This manifesto was the cause of the order of General Bazaine compelling him to re-embark. Amid his thousand praises of the archduke, and a thousand protestations of obedience, Señor Santa Anna says :

"If it had been possible for me to follow the Mexican commission, your highness would have heard through the lips of one of the pioneers of independence, who occupied for so many years the first place among his countrymen, the ratification of what the worthy president of that commission has expressed with so much eloquence and sincerity."

In the same letter he says that the empire with Maximilian at its head was the only remedy capable of curing the disease of Mexico, and the last dawn of its hope, and he concludes it with these expressive words :

"I hope your imperial highness will condescend to acknowledge in the oldest veteran of the Mexican army a devoted and disinterested friend and your most obedient servant, who wishes you the greatest happiness, and humbly kisses the imperial hands of your imperial highness."

At that date, not very remote, Señor Santa Anna showed an enthusiasm and a devotion to the empire which strongly contrasts with his present declarations in favor of the republic.

The former manifesto resembles the latter only in this, that it describes with glowing colors the good and prosperous state of Mexico during the last dictatorship of Señor Santa Anna—an opinion which the Mexican people undoubtedly does not share, for they rose in mass against his Highness (a title which he took and compelled other people to acknowledge) and forced him to leave suddenly the territory of the republic. The rest of that document strongly censures all the republican governments of Mexico, and all those of the Hispano-American countries, and especially that presided over by Señor Juarez, that good patriot, as he calls himself so deservingly in his present manifesto; and at the same time shows his complete attachment to monarchy and to Maximilian :

"At solemn moments the good man sought to speak the truth with frankness and sincerity. The illusions of youth are gone; in presence of so many disasters produced by that system (the republican) I will not deceive anybody; the last word of my conscience and my conviction is, the constitutional monarchy."

Señor Antonio Santa Anna does not confine himself to praise of the monarchy and the archduke, but treats the Mexicans in the most pressing manner to preserve the memory of the magnanimous monarch who has extended to them, so opportunely and generously, his powerful hand.

Are we not justified, with such facts before us, in doubting the assertions of his last manifesto, "that he went to investigate the proceedings of the interventionists and look after the interests and liberties of his countrymen, and that he never aspired for a high position in the gift of the archduke?"

In his present manifesto Señor Santa Anna says :

"I have in no manner compromised myself with the empire; I belong entirely to the republic, and in presence of the danger by which our country is menaced, the name of all parties disappears from my sight. I am not a conservative, nor am I a liberal; I am a Mexican."

The contrast between Santa Anna's manifesto of 1864 and his manifesto of 1866 is so strong that everybody will naturally feel inclined to inquire after the cause of this marvellous conversion. Mr. Santa Anna having prepared the question, we proceed to give the answer :

"General Bazaine," says he, "rudely drove me from the Mexican territory, and I was obliged to re-embark shortly after my arrival. I bear no resentment on that account. I am rather glad the outrage was committed, because it may have saved me from making certain compromises which circumstances might have imposed upon me, and because it opened my eyes regarding the intentions of the interventionists."

In one word, the rude treatment of General Bazaine is the reason why Señor Santa Anna extricates himself from his precedents, and forgets his warm advocacy of the intervention. We do not think we do him an injury in believing that he would now be one of its strongest supporters if, instead of having received the order to re-embark, he had received with the imperial decoration his appointment as commander in some of the corps of the imperial army.

It is impossible to deny, however, that he proceeds systematically. Opposed to the intervention because ill-treated by General Bazaine, who represented it, he addressed, or at least said he was going to address, his complaints to the French Emperor, in order to obtain the

justice to which he was entitled. This monarch undoubtedly approved the act of the commander of his armies, and Señor Santa Anna did not receive (at least nothing is known on that subject) the apology which he expected.

What was the reason of his anger against Maximilian? Mr. Santa Anna tells it:

"What favor did I receive from the archduke? Does he not by his silence fully approve the violence which was committed against my person?"

Few explanations can be as conclusive as this. Señor Santa Anna knew that the intervention was in opposition to the wishes of his countrymen, because General Bazaine bids him to re-embark; he lost all faith in monarchy and all his enthusiasm for Maximilian, because the latter approved by his silence the conduct of the French general. We appeal to all sensible men to say if it is a temerity on the part of the antagonists of Señor Santa Anna to doubt of his conversion, and to suppose that in 1864 he went to Mexico to look for a high position from the archduke, and not to look for the security and the liberties of his countrymen.

In following the examination of the present manifesto, we find that Señor Santa Anna attempted to get rid of the accusation of having once aspired to the imperial crown, yet appearances condemn him.

During the dictature which he exercised in Mexico from the month of February, 1853, down to the month of August, 1855, his policy assumed such a course that everybody, the ignorant and the wise, foreigners and Mexicans, supposed that he was ready to proclaim himself emperor of Mexico. He suppressed all shadow of national representation, all vestige of popular election. All public officers, beginning with the governors of departments, and ending with the most insignificant of them all, the sub-prefect, were directly or indirectly appointed by him. He also ordered every one of his officers to be called by his respective title, while, according to the laws of the republic, these titles were to be given in writing only. He revived the order of the Knights of Guadalupe, which was established by Emperor Iturbide, and appointed himself, of course, master of the order, changing the title of excellency, which had hitherto been given to the President of the republic, into that of serenissima highness. He created an army, which he dressed richly, and which he called his highness's guard; in short, he behaved in such a way that he cannot accuse the people of levity in attributing to him the intention of wearing the crown. This happened in 1853 and 1854, at a time when the memory of the prince president of the French republic, and that of the *coup d'état* of the 2d of December, was still fresh in all minds.

There is a circumstance which we ignored, and that Señor Santa Anna has just revealed to us:

"Generals, and even governors of departments," says he, "awaited only my acquiescence in order to proclaim me emperor on my birthday. * * * It was enough for me, in order to wear the imperial crown, to stretch out my hand."

Señor Santa Anna will allow us a slight observation. We do not doubt for a single moment that the generals and governors appointed by his serenissima highness would have been disposed to proclaim him emperor, because worse things were seen in the Roman senate in the time of Tiberius; but we doubt very much that the Mexican people, who could not suffer him as dictator, and compelled him to fly in August, 1853, would have tolerated him as a king. Perhaps we are mistaken; but Señor Santa Anna will agree that our doubts are not without foundation.

If this is not sufficient, there is another conclusive proof: the full power which he gave to Señor Gutierrez Estrada on the 1st of July, 1865, "to enter into arrangements and make the proper offers to the courts of London, Paris, Madrid, and Vienna, to obtain from those governments, or from any of them, the establishment of a monarchy derived from any of the royal races of those powers."

Here we cannot but confess that the arguments of Señor Santa Anna are extremely happy. This document proves conclusively that on the 1st of July, 1854, he did not think to make himself an emperor, but to sell his country, preparing to transfer it, with its hands and feet tied up, to the power of its conquerors, or to some other foreign princes. This, which in accordance with the most obvious principles of universal morals we call treason, Señor Santa Anna calls a master-stroke of disinterestedness. Of such a disinterestedness Señores Almonte, Marquez, and other traitors, supporters of Maximilian, could boast with as much reason. * * * He thought himself bound only to recognize the French intervention and Maximilian.

"But why insist in charging me?" says Señor Santa Anna in his last manifesto. "I sinned, and I repent; and to cause all my wrongs to be forgotten I am here now ready to fight, and die, if it is necessary, in defence of the independence of the republic—of the constitutional government to which I submit.

"Where is the Mexican who can refuse my services without deserving the opprobrium of history, or deny me the right to fight, and die, if necessary, in defence of our desolated hearths? * * * Do not forget that domestic disunion, when the soil of our country is being profaned by foreign invaders, is equivalent to desertion in the face of the enemy. * * * Let all dissensions among our countrymen cease, and let all hatred be reserved for the foreign domination that covers us now with ignominy and shame.

* * * By reason of my antecedents, of my position in the conservative party, and even of my long absence from the country, I believe myself to be the one called upon to reunite all minds. * * * Confide in my words and be ready."

However inclined we are to believing what Señor Santa Anna tells us, we cannot erase from our memory that the same arguments he presents now in favor of the republic, he presented a few months ago in behalf of the intervention and of Maximilian. Then, upon his heart he swears that his last words were in favor of monarchy; now, he assures us that they were in favor of the republic. What reasons can we find to believe the last better than the first?

As he wishes, however, to fight now for the republic, and to contribute to its triumph, we concede that Señor Santa Anna is right in the desire. Nobody can prevent him from doing it. Let him disburse a portion of his immense wealth in the purchase of arms to increase the number and the power of the independent soldiers. Let him go to Mexico, unfurl the tri-color banner, and precipitate himself against the invaders who are profaning the soil of our country. It may be so, but let us understand each other.

If we are to believe the city newspaper which has taken charge of assisting Señor Santa Anna, the latter wishes that the constitutional government should appoint him general-in-chief of the republican armies. Can Señor Santa Anna imagine that any one of these deserving, hungry, naked, disarmed citizens, who have been constantly struggling against the power of France for the last four years for independence and the republic, would consent to obey him? Does he believe it possible that the constitutional government which represents that people, who keeps still fresh in its memory the defection of Urugua and others, could forget the protest Señor Santa Anna made yesterday in opposition to that of to-day, and give him command of that army which is the pillar of Mexican nationality? We are ready to concede that Señor Santa Anna's conversion is genuine. But who can tell us that if Señor Santa Anna was sick again, or if the French were to lay a snare for him like that of making him sign a document in the French language he does not understand, he would not transfer the army given him by the government for the defence of the republic to its enemies?

We beg Señor Santa Anna to dismiss his fervor, and he will be convinced that these mistrusts and doubts are all natural; that every person, however indifferent to our party divisions, is led to entertain them.

There is yet another reason which we beg Señor Santa Anna to weigh with impartiality. This very party, which has not bargained nor ever will bargain with the invader—those armed citizens whom he justly called heroes—they are the same who have been fighting till they have achieved the conquest of great principles, upon which rests now the Mexican constitution as well as its civil and religious liberty. That conservative party to which Señor Santa Anna formerly belonged, over which he has now, according to his own confession, a great influence, has been the constant adversary of that principle. Supposing Señor Santa Anna to act in good faith in defence of independence; will any one be accused of levity who fears that he would destroy, after his triumph, the work that Maximilian and the French did not dare to touch—a work that they wished to consider as a title of glory and popularity? Does Señor Santa Anna believe that these doubts and fears, so well founded, would give him such a fame as to enable him to conciliate opinions?

We could add more, but enough has been said to prove that we bear no personal hate to Señor Santa Anna, nor are we moved by a spirit of partisanship. None of these motives inspired the protest we signed on the 15th of last May. Simply citizens for the most part, and far remote from the influence of office, no one can say that we see in Señor Santa Anna a terrible rival and obstacle to our aspirations. All of us are moved solely by the love of our country, and by the wish to see it independent, for which we have fought and are ready to fight again.

FRANCISCO ZANCO, *President.*
CIPRIANO ROBERT, *Secretary.*

No. 4.

No. 389.] MEXICAN LEGATION IN THE UNITED STATES OF AMERICA.

Washington, May 24, 1866.

Messrs. Louis G. de Vidal y Rivas, Dario Mazuera, Rafael Pombo, and A. Baiz called on me this morning.

The first mentioned delivered me a letter from Don Antonio Lopez de Santa Anna, dated in Elizabethport, the 21st instant, of which I enclose a copy.

After seeing the commissioners I will reply to Mr. Santa Anna's communication, and will send a copy of my answer to your department.

I repeat the assurances of my distinguished consideration.

M. ROMERO.

The MINISTER OF FOREIGN AFFAIRS, *Paso del Norte.*

No. 5.

ELIZABETHPORT, NEW JERSEY,
May 21, 1866.

MY DISTINGUISHED COMPATRIOT: I have arrived in the United States on my way to our country, so worthily represented by you here, and I would have been pleased to visit you in Washington to inform you of the object of my journey; but as this is impossible at present, I have commissioned my friends Don Louis Vidal y Rivas, Colonel Dario Mazuera, and Don Abraham Baiz, with Don Rafael Pombo, who volunteers to accompany them, to represent me. They will present to you this letter, and I beg of you to receive what they may say as coming from myself.

I cannot remain an indifferent spectator of the misfortunes of our country, and I comprehend that my apparent indifference would be a crime. Under the present circumstances it is of the most urgent necessity for the triumph of the national cause that all factions should be reconciled; and that confidence should be restored both in the country and abroad, there must be a vigorous organization and unity of action.

My antecedents, and numerous manifestations that have been addressed to me from all parts of Mexico by former friends and even political opponents, by disappointed imperialists and by indifferent republicans, persuade me that I am the one who is called upon to set the necessary example as a loyal soldier and disinterested citizen, and to reconcile the national elements in order that the entire nation, as a single man, may work under the direction of its chief magistrate, and that the triumph may be, as we cannot but desire, truly national, satisfactory to all, and giving sufficient assurance of a final, powerful, and respectable organization.

It is not strange that I am not yet judged with the impartial judgment of history; that day has not yet come. When it does, then can be applied to me the words of Montesquieu: "The errors of statesmen are not always voluntary; they are often the necessary consequences of the situations in which they are placed, where difficulties reproduce difficulties."

My enemies have seen in me only a Sylla; but now my greatest desire is to prove to them that I should not be compared to that ferocious Roman, except in entirely separating myself from public affairs when I still had power to control them. I have already once voluntarily given up public position when I still had powerful means for sustaining myself. Now it is my intention to co-operate towards the restoration of the constitutional republican government in the capital of Mexico; to see the people in the way of freely reorganizing themselves by means of their representatives, and then immediately to withdraw to private life, in order to die respected and tranquil in the bosom of my country. My ardent dream, my ambition, is to struggle once more for the independence of my country, and to re-establish the republic I was the first to proclaim in 1822, to pass the remainder of my years in the enjoyment of the love of my fellow-countrymen, and to merit that there shall be inscribed over my tomb the glorious title of a good citizen.

Of the firmness and sincerity of my intentions, if it is possible there can be any doubt, I am disposed to give whatever proofs may be exacted; and very far from wishing to act on my own account and thus promote still another conflict and a new dissension in the constitutional camp, I commence by addressing myself to you in order that we may come to an understanding with regard to the manner of my co-operation; and I beg to request that you will transmit this communication to Señor Juarez, as if addressed directly to him in asking his commands.

I do not doubt that the people of our country will in the end profit by the experience we have had. I am now neither conservative nor liberal; I am only a Mexican, and I open my arms to all my countrymen.

In a few days I will publish a manifesto, which I hope will satisfy all who desire to know my sentiments and the object of my journey. The gentlemen in charge of this letter will give to you all necessary explanations, and you can speak to them as you would to me.

I hope, however, to have an opportunity to see you and to renew to you personally the assurances of my high appreciation and esteem.

Your obedient servant and countryman,

A. L. DE STA. ANNA.

His Excellency Don MATIAS ROMERO, &c., &c., &c.

No. 6.

No. 391.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 25, 1866.

The commissioners of Don Antonio Lopez de Santa Anna called upon me again to-day.

I answered Mr. Santa Anna's letter, of which I sent you a copy yesterday, in the terms which you will see in the enclosed copy of my answer.

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

The MINISTER OF FOREIGN RELATIONS, *Paso del Norte*.

No. 7.

WASHINGTON, May 25, 1866.

DEAR SIR: Your commissioners, Don Louis Vidal y Rivas, Colonel Dario Mazuera, Don Abraham Baiz, and Don Rafael Pombo, placed in my hands yesterday the letter which you have been pleased to address to me under date of the 21st instant, from Elizabethport, advising me of your arrival in this country, on your way to Mexico, where, as you inform me, you desire to go to fight for the independence of the country, under the direction of its chief magistrate.

In compliance with your request in the said communication that I would transmit the same to the President of the republic, I forwarded yesterday a copy to the minister of foreign relations and of government.

I have listened with interest to what your commissioners have stated to me, in your name, with regard to your intentions and the motives that have guided your conduct. To avoid any misunderstanding, I think it proper to put my reply to them in writing, to be delivered to you as the result of their mission.

If you had not been the first to propose the establishment of a European monarchy in Mexico, when you were at the head of the nation, and had not recognized and sustained the intervention which the Emperor of the French is inflicting upon our country, as is proved by the documents recently published, I do not think there would be any difficulty in the government of the republic accepting and making use of your services, for, in a foreign war so holy as the present, all party differences should disappear; and, in my opinion, not even the President would have the right to prevent any Mexican, desirous of defending his country, from complying with his duty in this regard.

But, unfortunately, in your case, there are peculiar circumstances that change the aspect of the question. Besides resting now under the stain of having recognized and given all the weight of your influence to the treasonable project of overturning the national government of our country and establishing another that would make it a mere dependency of France, there is the circumstance that during the later years of your life you have been intimately associated with the reactionary party of Mexico, which is the party, as is well known, that has been the promoter and supporter of the unpatriotic designs that I have mentioned.

This is calculated to give rise to apprehensions that in the participation you are seeking to secure in the affairs of the republic you might undertake either to promote another revolution, as you have often done before, in favor of that party, or for the purpose of protecting the guilty members of it, which would be a new cause of disagreement and a great evil to our country, as thus the just expectations of our people would be frustrated; or, at least, that you might try to create a new party, and thus give rise to other dissensions which could only result in the benefit of our invaders. All these circumstances render it a difficult question, in my judgment, to decide whether it would be for the interest of our country that your services should be accepted or not. This question, as well from its grave importance as from the knowledge it requires of the circumstances of the nation, can only be decided by the chief magistrate of the republic to whom the Mexican people have confided its destinies.

I do not doubt that you are disposed to make the proper explanations and to give the necessary securities; nor do I doubt that, in view of all this and of the circumstances of the republic, the President will decide as may be best for the interests of the country.

Without awaiting his decision, I can say that I believe it to be your duty not to undertake any proceedings that may create difficulties or complications for the government or the nation if your services are not accepted.

I am, very attentively, your obedient servant,

M. ROMERO.

Señor Don ANTONIO LOPEZ DE SANTA ANNA,
Elizabethport.

No. 8.

No. 239.] DEPARTMENT OF FOREIGN RELATIONS AND OF GOVERNMENT,
Chihuahua, July 6, 1866.

With your note (No. 389) of the 24th of May last you enclosed to me copy of the communication addressed to you, under date of the 21st, by Don Antonio Lopez de Santa Anna, and with your note (No. 391) of the 25th of the same month you enclosed to me copy of your reply.

In this communication Señor Santa Anna manifested to you his desire to now lend his services to the cause of the republic against the foreign intervention, and he asked you to transmit his communication to the government. You replied that you had so transmitted it, and explained to him the reasons why you judged it proper that you should leave it to the government to determine whether his services should be accepted or not.

Your two notes have been laid before the President of the republic, and he has approved your conduct in the affair.

Since the commencement of the existing war, in which Mexico defends her independence and her republican institutions against the pretensions of a foreign intervention, it has been the constant rule of the government of the republic never in any manner to refuse to accept, on account of past differences of a purely political character, the services of all Mexicans who in good faith desire to volunteer and loyally to defend the cause of their country. Far from opposing difficulties to those who have so proceeded, impelled by a noble patriotism, the government has justly esteemed and has accepted with satisfaction the services of those whom it might before have considered as political adversaries. Many of these are now combating under the flag of the government, and others have already consummated their consecration to the country by a glorious death.

If the government could consider Señor Santa Anna in this condition, it would not hesitate for a single moment in thankfully accepting the offer of his services; but the grave charges which appear in all his previous conduct do not permit it to have any security in the loyalty of his intentions, nor even is there any doubt which might incline it in his favor.

This is not the occasion to enumerate the numerous charges that have been made and are now being made against him by honorable men of all parties and of all opinions, who consider him as the first and most constant promoter of anarchy, of immorality, and of corruption. It is sufficient now to notice particularly the principal part which he has had in placing in peril the independence of the country, and in bringing upon it all the evils of a foreign intervention.

In the documents which have been published by his own accomplices, it is seen that when at the head of the government of the republic he solicited in 1854 European intervention, that he continued laboring for the same object thereafter, and that when Maximilian was proposed as its instrument he humbly offered to him his person, his influence, and his services. Scarcely two years have passed since Señor Santa Anna came to the national territory with the hope of obtaining the reward of his treason, and solemnly protesting that the last conviction of his life was the monarchy, and his last desire to submit himself to a foreign power.

Defrauded in his hopes, rejected and banished by his own accomplices, who feared they might afterwards be betrayed by him, he did not even then resolve to serve his country, even although impelled by resentment at the insults he had received. The intervention then appeared powerful, and he did not wish to participate in the perils of the defenders of his country. Not until two years afterwards has he come to offer his services, when he has seen that the last hour of the intervention is about to strike.

If those who, led by him, have called in the foreigner, have believed that they had well-founded motives to distrust and fear that he would afterwards prove a traitor to them, how much greater would be the distrust and apprehension, upon seeing him at their side, of the defenders of the republic. Remembering that he had affiliated with all parties, that he had proclaimed every cause, and that he had recently protested his final adhesion to the foreign monarchy, they would not wish to combat in the same camp, fearing that he would deliver them up, and they would not wish to unite with him, much less place themselves under his orders, fearing that he would contrive their destruction.

They would even fear, as already some have said, that he came sent by the foreign intervention in order to introduce an element of discord among the defenders of the republic, and in order that, on the termination of the intervention, those who have favored and sustained it might have in him a friend and supporter.

Even supposing that the intentions of Señor Santa Anna should now be loyal, the constant suspicion which would be awakened by his past acts would render not only useless under the present circumstances, but even prejudicial, the admission of his services.

Although the government might wish to place in him some confidence, it does not believe it possible that it would also be felt by the defenders of the national cause.

In order not to believe in his new protests of patriotism, they would repeat that he has violated before all his oaths, and that he has broken before his most solemn engagements.

In order not to believe his new protests of loyalty to the republic, they would repeat the charges that have been made, that as an officer he has been disloyal to all the governments that have employed him; that as the head of the government he has been disloyal to all the parties who have aided him to power; and that as a Mexican he has been lately disloyal to the cause of his country.

For these considerations the President of the republic does not believe it in any manner compatible with his duty to admit the offer which Señor Santa Anna has now sought to make of his services. Nor does he believe that his manifestations or protests of patriotism can be in any manner considered as sufficient to relieve him from the very grave charges which exist against him.

Señor Santa Anna having asked you to transmit to the government his communication, you will be pleased to transmit to him this reply. I renew to you my most distinguished consideration.

LERDO DE TEJADA.

The Citizen **MATIAS ROMERO**,
Minister of the Mexican Republic in the
United States of America, Washington, D. C.

No. 9.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, August 6, 1866.

In my letter to you on the 25th of May last, in reply to yours of the 21st of the same month, I informed you I had sent your note of that date to the government of the republic, in accordance with your wishes. This day I received a note from Mr. Lerdo de Tejada, minister of foreign relations and government of the republic, dated in Chihuahua, the 6th of July last, and numbered 259, containing the answer of our government to your offer of services.

In accordance with instructions to me in that note, I send you a copy of it.

I embrace the occasion to renew the assurances of my most attentive consideration.

M. ROMERO.

Señor Don ANTONIO LOPEZ DE SANTA ANNA,
New York.

No. 10.

We, Maximilian, emperor of Mexico, decree:

ARTICLE 1. There shall be appointed a receiver to take an inventory of the property which Don Antonio Lopez de Santa Anna possesses within the limits of the empire.

ART. 2. Said receiver shall keep an exact account of the revenues yielded by such property, and shall make deposit of said revenues for safe-keeping, without deducting any sums except such as, with the approbation of this government, shall be allotted to the members of Santa Anna's family actually residing within the territory of the empire.

ART. 3. No contract having relation to the said property shall have the force of law without the written approbation of the said receiver.

Our minister of the interior is charged with the execution of the present decree.

Given at the palace, in Mexico, the 12th day of July, 1866.

MAXIMILIAN.

By order of the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of the Interior.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, August 15, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, extracts from papers of the city of Mexico, and French papers in New York, containing evident proof of the condition of affairs in the city of Mexico up to the end of July last.

Don Fernando Maximilian, the usurper, who organized a sham government when he reached Mexico, and tried to give it the semblance of a national institution, has finally been compelled to give up the difficult undertaking.

The so-called government, with a foreign prince for its head, kept up by French bayonets and French gold, whose officials are all foreigners, had a Mexican cabinet till recently, intended to keep up appearances and deceive those not qualified to judge of the real situation.

Now the usurper has laid aside all dissimulation, and removed the last trace of nationality from his ridiculous government by reducing his ministers to three—

war, treasury, and interior. He has made General Osmont, General Bazaine's chief of staff, minister of war; Mr. Friant, intendant general of the French expeditionary corps to Mexico, is minister of finance; and the minister of the interior is a Mexican traitor, who will soon be removed to give place to some other member of Bazaine's staff.

After this it is impossible to call the government pretended to be established in Mexico by the French, and headed by Don Fernando Maximilian of Hapsburg, a national government.

The tyranny of the French intervention is now becoming really intolerable. Among the enclosed documents you will see some relating to the press; and you will perceive there is less liberty of the press in those parts of Mexico under the usurper than there is even in France. All the papers that dared to be independent have been suppressed, and none can now be established without express permission from the intruders. Papers that supported intervention are suppressed if they do not approve of every whim of the bogus government. Personal protection is but a shadow in the hands of the usurper. Under pretext of conspiracy, many citizens have been imprisoned, others condemned to severe punishment that will kill them, and all done without trial or permission of defence. The assassination of the Montenegro young men (see 7 and 8) in the State of Jalisco, only because they belonged to a liberal family, is one of the many cases occurring every day in places that have fallen into the invader's hands and remain subject to the usurper's will.

High taxes imposed to sustain the extravagance of the courtly adventurers threaten to ruin the scanty resources still left in the country.

The usurper has just given another unexampled inconsistency, that can hardly be believed; he has granted a pension to the widow of General Zaragoza, the conqueror of the French at Puebla, on the 5th of May, 1862. Thus, and with a view to show that he appreciates the Mexicans, he has tacitly acknowledged the merit of a general who died in defence of his country, fighting against the French, while he condemns those who acted differently. Now, if the Mexicans, fighting for the independence of their country, do not deserve to be considered as belligerents, as the French contend, how is it they honor the memory of one of that army by granting a military pension to his widow? If it was only meant as an act of mercy, without political meaning, giving aid to a needy family, why was it not given in some other way than as a military pension, which certainly acknowledges certain rights of the national army of Mexico, hitherto denied it by the French. They murder General Arteaga for doing his duty as a soldier in defence of his country, while they give a pension to the widow of another general who died in the same good cause.

It is really impossible to see any consistency or good faith in the accomplices of an intrigue engendered by the fraud, inordinate ambition, and other baser passions that move some men.

I embrace the occasion, Mr. Secretary, to renew the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, in relation to recent events in Mexico.

No	Date.	Contents.
	1866.	
1	Aug. 13	Extract from the <i>Courrier des Etats-Unis</i> of the 13th August, 1866, in New York, quoting scraps from a semi-monthly review of the <i>Estafette</i> relative to the usurper's new cabinet.
2	July 21	Letter from the correspondent of the <i>Messager Franco-Americain</i> in Vera Cruz.
3	Aug. 13	Extract from the <i>Courrier des Etats-Unis</i> of an article from the <i>Ere Nouvelle</i> on the suppression of that paper by the usurper.
4	May 6	Decree of the usurper putting obstacles in the way of publishing newspapers.
5	May 26	Decree of the usurper laying high taxes on real estate in cities.
6	May 26	Decree of the same in regard to taxes on landed estates.
7	June 20	Extract from the <i>Boletin de Noticias</i> of Guadalajara, on the assassination of the Montenegro young men, and the want of personal security in any part of the country under the usurper.
8	June 29	Circular of Don José G. Montenegro and wife, publishing the assassination of their son, Diego, for the crime of having a name respected by Mexican patriots.
9	June 6	Orders of the usurper for a draft in the cities of Mexico, Puebla, and Queretaro.
10	June 6	Extract from the <i>Diario del Imperio</i> in regard to the payment of a pension to the widow of General Zaragoza.
11	June 6	Extract from the <i>Pajaro Verde</i> , with an article from the <i>Estafette</i> commenting on the pension.
12	July 6	Fragment from the <i>Diario del Imperio</i> , with the names of those arrested in Mexico and sent to Yucatan without trial.
13	July 20	Letter from Rafael J. Garcia, editor of the <i>Idea Liberal</i> , in Puebla, giving reliable information of the present state of affairs in Mexico.
14	July 20	Letter from the city of Mexico, containing information on the condition of things.
15	July 20	Maximilian's decrees appointing the French Generals Osmont and Iriaud to his cabinet.

No. 1.

[From the *Courrier des Etats-Unis*, of New York, August 13, 1866.]

MEXICO.

The steamer *Daniel Webster*, that left Vera Cruz the 31st July, arrived at New York the day before yesterday. It brings papers from the capital up to the 27th, containing very interesting news. We borrow a summary of it from the semi-monthly review of the *Ere Nouvelle*.

MINISTERIAL CHANGES.

Important resolutions of the emperor Maximilian have been spoken of for some time; but, as rumors of this kind are so often unfounded, we have thought best to await the facts.

The rumor has at length been realized under the form of three decrees inserted in the official journal. The first appoints General Osmont, chief of staff in the expeditionary corps, as minister of war. The second makes Intendant Friant minister of finance. The third suppresses the fomento department, and merges its duties in that of the interior.

The three decrees are accompanied by the following note: "To obtain a prompt and lasting peace in the country, circumstances require unity of action and ideas, the only efficacious remedy in every crisis, according to the reports of history. In order to restore peace and prosperity, to produce important changes for the better, the emperor requires perfect unity; and being convinced that the necessary guarantee to Mexican society requires it, he has given the portfolio of war to the chief of staff of the expeditionary corps, and that of finance to the chief intendant.

"These measures, coinciding with the mission of her majesty the empress, will demon-

strate that the government agrees with its glorious allies, and does all the nation could expect to hasten the pacification of the country.

"If all good Mexicans will rally under this banner of peace elevated by the emperor, for getting party dissensions, which have done so much harm, the nation will soon attain to that prosperity to which it is destined by Providence and its geographical situation."

General Osmont and Intendant Friant possess those qualities best suited to the success of their departments. Mr. Friant will have the hardest task, but his experience and firmness will accomplish what he has undertaken. The fact of his accepting the office is a proof that he will discharge its duties, however difficult they may be.

The department of justice has also been lessened to a simple bureau.

The number of head departments are therefore reduced to three: Osmont is secretary of war, Friant of finance, and Salazar Ilarregui of the interior.

Unity of action will only be more easy and complete.

No. 2.

[From the *Messenger Franco-Americain*, of New York, August 11, 1866.]

MEXICO.

Private correspondence of the Messenger.

VERA CRUZ, July 21, 1866.

The departure of the empress Charlotte for Europe, in the last French packet, has caused great grief among the people devoted to the empire. But her departure has been construed into a declaration of a desperate state of affairs in Mexico by the republicans. They have vainly tried to conceal the true cause of a voyage so dangerous to Charlotte, at a time when the yellow fever is raging at Vera Cruz. The *Journal de l'Empire* vainly affirms that the Belgian princess was on a confidential mission to Europe, "relative to the embarrassed finances of Mexico;" but everybody knows what these assertions are worth.

I must remark in this place, that the foreign merchants in Vera Cruz are in despair at seeing the empire waste away, as it is doing. All the foreigners, French, English, or German, are imperialists; only the North Americans, or Yankees, as we call them, are in favor of Juarez and the republic. With the exception of some liberal and enlightened spirits, the merchants have always fancied that the empire alone could give them order and peace, without which trade is impossible. So, since the fall of Maximilian is threatened, I have heard endless lamentations around me, particularly among my countrymen. But the native merchants are rubbing their hands in joy at the prospective departure of the expeditionary corps. The former see ruin and disaster, where the latter foresee prosperity and wealth. This is because the foreigners in Vera Cruz, as well as those in Mexico, have looked upon Mexico as a conquered country ever since 1862. Both hoped to get rich rapidly at the expense of the native population, relying upon the protection of the authorities, who were always more favorable to them than to the Mexicans. Intervention was a flagrant violation of popular rights, and of course it caused violations of individual rights. Now if Maximilian falls, all that will change; the government will become national, and will protect Mexicans. That is what frightens our business men.

And besides, they fear the people—always restless in Mexico—will call them to an account for their sympathies with the foreigner. Our people, in particular, are the objects of the *lepero's* knife. Are they right or wrong? That is what I will not undertake to decide; but if their fears are founded, what a terrible responsibility those will have who have excited the popular passions by violating the principles of sovereignty and the independence of the nation! And then those who welcomed the expedition in 1861 will be the first to curse intervention.

Several regiments of the army of occupation are to leave here in October. The 1st and 3d zouaves, the 62d and 81st of the line, the 18th battalion of infantry hunters, four squadrons of African hunters, one company of engineers, and two artillery batteries, are mentioned as about to quit the country for France.

Consequently, the expeditionary army will be reduced to one division of infantry, six cavalry squadrons, and their artillery reserves. The foreign legion, which is to remain till the last in Mexico, by the convention of Miramar, has been reorganized and increased by a 7th and 8th battalion. According to the Miramar convention, the foreign legion lent by France to Maximilian was to consist of only six battalions; but the two supplementary battalions will not be effective; they will only be composed of officers lent to Mexico for the organization of the *cazadores de Mejico*, national troops fashioned after our *chasseurs à pied*.

According to the projects of Marshal Bazaine, which are not likely to be carried out, the *cazadores de Mejico* will form eight battalions, commanded by leaders of French battalions. The adjutants, captains, drill leaders, lieutenants, and commissary officers will also be French; and to retain their right to promotion, they will be reckoned in the 7th and 8th battalions of the foreign regiment, consisting solely of officers.

No. 3.

[From the *Courrier des Etats-Unis*, New York, August 13, 1866.]

INCIDENT OF THE PRESS.

With some reserve, and not without astonishment, we reprinted on Saturday an extract from a correspondence from Mexico addressed to the *Times*, which says the *Ere Nouvelle* and the *Sociedad* were suspended for one month for publishing a criticism upon the Mexican expedition, taken from the *Courrier des Etats-Unis*. We have guessed the riddle: it is about an article we took from a Paris paper—not a criticism by the *Courrier* editor—without assuming any responsibility for it, but as a piece of history of the Mexican expedition. Here is the article:

“According to the *Paris Presse* the emperor Maximilian has once more required the financial assistance of France, declaring his intention to abdicate if it is refused. The French government should have rejected the Mexican emperor’s demand, and ordered Marshal Bazaine to call a convention of the people in case of Maximilian’s abdication.”

The *New Era* published the above on the 10th of July, with the following comments:

“If the paragraph had originated in an American paper it would not have attracted any notice; but coming from a French journal, it excites much astonishment.”

The following notice was served on Mr. Masseras on the 12th:

MEXICO, July 12, 1866.

The paragraph in your paper of the 10th instant, taken from the *Courrier des Etats-Unis*, originally from the *Paris Presse*, contains an alarming falsehood. By its publication you violate article three, section second, of the law of the 10th of April, 1865, regulating the press.

Therefore, the civil prefect, by superior order, instructs me to serve this *second notice* on you, to be inserted on the first page of the next number of your paper, which you will suspend for one month, according to article twenty of the law above quoted.

CARLOS ZAVALA,
Secretary General of the Prefecture.

The *New Era* had been notified only the day previous for publishing false news. Instead of serving a warning upon the editor, as should have been done according to the law quoted, the severest penalty was imposed upon the paper. But that omission gave Mr. Masseras the chance to have the order of suspension countermanded, which was done.

No. 4.

We have received files of the *Diario del Imperio* to the 18th of May.

The following decree concerning the establishment of newspapers has been issued by Maximilian:

“ARTICLE 1. For the establishment of any newspaper or publication which is to start at a fixed time or otherwise, and is to be engaged in public affairs, the permission of the authorities will be required—this being only granted by our government, and, as our delegates, by the imperial commission or the prefect.

“Our minister of government is charged with the execution of the present decree.

“Given in the city of Mexico, the 6th day of May, 1866.

“MAXIMILIAN.

“For the emperor:

• “The Minister of Government,
“JOSÉ SALAZAR ILARREGUL.”

No. 5.

MAXIMILIAN, EMPEROR OF MEXICO.

Having heard our council of ministers, we decree:

ARTICLE 1 Direct taxes on real estate, in town or country, shall be collected in proportion to its production or income solely, and not in proportion to the amount of capital invested.

ARTICLE 2. The quota of taxation will be the sixth part of the net income of such property, when situated in the city, and the seventh when situated in the country, and it must be paid in three instalments, each in advance, viz: one-third in the first ten days of January, one-third in the first ten days of May, and the remaining third in the first ten days of September of each year.

ARTICLE 3. To ascertain the net income, the rent which the property ought to produce shall be taken for such, deducting, in case it is situated in the city, 15 per cent. on "houses of the neighborhood," (*casas de vecindad*,) and 10 per cent. on all others.

ARTICLE 4. By houses of the neighborhood, for the purposes of the preceding articles, are to be understood those which contain more than three tenants within the same entrance or exterior door, not including rooms which have separate entrances from the street, (*accorios*.) Houses not embraced in this description will not be taken as houses of the neighborhood, (*casas de vecindad*.)

ARTICLE 5. The income which city real estate should produce is the amount of money for which it is rented; and if not rented at the time, the amount for which it last rented.

ARTICLE 6. In cases where the proprietor is the occupant of the property, an equitable sum shall be fixed upon, which shall serve, instead of the rent, as a basis of taxation.

ARTICLE 7. The tax being levied directly upon the property, no sub-letting will be taken into consideration, the proprietor being taxed solely on the rent he receives from the tenant with whom he deals.

ARTICLE 8. The net income of property in the country which is rented at the time, or which has been rented the next preceding year, will be the total amount of the rent.

ARTICLE 9. Where such property in the country is either not actually rented at the time, or has not been rented the year next preceding, the net income shall be taken to be what remains to the proprietor of the total proceeds, after deducting the expenses of cultivation, harvesting, and preservation.

ARTICLE 10. The proprietor shall file in the register's office a declaration of the amount of the net income thus ascertained; but the office, when the amount in the declaration appears too small, may estimate it anew, and, for this purpose, may require the proprietor to submit to examination his book-balances and other documents calculated to throw light upon the truth.

ARTICLE 11. Country real estate shall be understood to mean all land, with or without a house, within or without the lines of a *poblacion*, on which any species of agriculture is carried on for purpose of profit.

ARTICLE 12. Haciendas producing metals, salt, or sugar will be taxed like the country property just above mentioned.

ARTICLE 13. The property designated in the following classification will be alone exempt from taxation:

1. National property.
2. Municipal property occupied gratis in the municipal service.
3. Palaces of archbishops, bishops, and houses of curates not belonging to private individuals.
4. Temples of any worship whatsoever and the houses appertaining, inhabited gratis by its ministers, recognized by the state.
5. Those occupied gratis by establishments of public beneficence or instruction, which do not belong to individuals who receive rent for them. Real estate belonging to a private individual who receives rent for it, though it should be occupied for the public service or ecclesiastical purposes, or those of instruction or beneficence, will, nevertheless, be subject to taxation.
6. Edifices occupied gratuitously by civil or ecclesiastical corporations authorized or tolerated by the state.

7. Lands or edifices which by special law have been exempted from taxation for a limited time, while within the time of fulfilling the conditions annexed by the law of the exemption.

ARTICLE 14. When the owner of an estate acknowledges, by a special hypothecation of the same, a sum of money for which he must pay interest, whether by instalments, irregular deposits, or in any other mode whatsoever, the said owner shall pay for tax the sixth or seventh part of the rent, according to its being town or country property; but he shall discount to him entitled to receive said interest an equal amount to that which he shall have paid.

ARTICLE 15. All exceptions hitherto made in favor of capital are hereby revoked, and the proprietors will pay the tax, devoting thereto one-sixth of their income from this source; this whether devoted heretofore to beneficence, public instruction, the national or municipal treasury, religious endowments, or any other object formerly excepted.

ARTICLE 16. No judge nor authority nor public functionary shall entertain any representation or memorial, nor shall any notary public or clerk authenticate any document, relative to the rights which any owner may claim to exercise, unless he can show a receipt for the payment of his taxes, as above prescribed, up to the latest date. When produced, the original receipt will be returned to the owner, after having appended to the memorial or authentication a simple copy of the same, certified to be correct by the judge, authority, or notary public.

ARTICLE 17. As soon as the tax ordained by this decree shall go into operation in any place, all former laws for the taxation of real estate are thereby repealed, except that of the 30th of April for the draining of Mexico, and the municipal laws.

ARTICLE 18. The tax of the drainage will continue to be collected as at present, viz: one-tenth of one per cent.

Given in Mexico, May 26, 1866.

No. 6.

MAXIMILIAN, EMPEROR OF MEXICO.

Having heard our council of ministers, we decree :

ARTICLE 1. All cultivated lands in the country will pay annually, besides the tax on their annual production, a half real for every 35,112 metres square, or 50,000 varas square, contained in the whole of their area.

ARTICLE 2. The cultivated lands whose area does not amount to 50,000 varas square, will pay a half real, whatever their extent.

ARTICLE 3. In the contemplation of the preceding articles are included lands in common, and all rural cultivated lands of corporations, communities, and pueblos which have not been reduced to private appropriation by virtue of the law of 25th June, 1856, and which have the character of being legitimately possessed in common, in conformity to the law cited.

ARTICLE 4. Within two months after the publication of this law in the capital of any district, the possessors of country cultivated lands situated in its territory will deposit in the office of registry of direct taxation of the same district a declaration setting forth the land or lands that they possess, with the area which they comprehend, and their situation and name, if they have any. In the office of registry a register will be kept, in which will be recorded all these declarations; a certificate of having done so being given to the parties concerned, with an insertion of an extract from the register.

ARTICLE 5. At the expiration of the two months above mentioned, all lands not declared, as above prescribed, will be considered wild and unappropriated, and the agents of the administration will proceed to take possession, handing them over to the minister of fomento to dispose of them as he may see proper.

ARTICLE 6. When in the opinion of the agents of the office the area of the land has been underestimated in the declaration, a survey shall be ordered, and the excess of land above the estimate shall be also declared unappropriated. In this case the expenses of the survey shall be defrayed by the owner.

ARTICLE 7. If, after declaration made as aforesaid, the possessors of the land should have it surveyed, and should it result that the area as set forth in the declaration was greater than that actually possessed, the amount of taxes paid on the excess will be refunded.

ARTICLE 8. The lands placed at the disposal of the minister of fomento for alienation on account of the owners, on the same terms adopted by the government for the alienation of unappropriated lands of the territory in which they find themselves located, shall be exempt from this tax.

ARTICLE 9. In order to be entitled to the exemption referred to in the preceding article it will be required :

1. To present the minister of fomento with a formal map of the estate of which the lands placed at the disposition of the minister form a part.

2. On the said map the lands placed at the disposal of the minister must be distinctly and definitely delineated.

ARTICLE 10. This tax must be paid every six months in advance, and it will go into operation on the date of its publication.

Given in Mexico, 26th May, 1866.

No. 7.

[From the Boletín de Noticias, Guadalajara, June 30, 1866.]

SOCIAL GUARANTEES.

We take the following paragraph from a letter dated Zapotlán, 23d instant:

Gregorio Contreras died day before yesterday, at three o'clock in the afternoon, from a shot he received the evening previous at the hands of Rafael Chavez, in Parota street, leading to Ochoa Vazquez's farm, because Contreras would not fight him.

On the same day, and almost at the same hour, men from this city, Zapotiltic, and Tuxpan, caught up with Diego and Matias Montenegro, Faustino Ugarte, and Rosalio Vazquez, near Tecalitlan, and fired upon them with muskets. Matias Montenegro, son of the late Miguel Montenegro, was killed. Diego then dismounted, and going up to his enemies begged for life till he could make out his innocence. He was on his knees, with his hat in his hand, when they shot him dead on the spot. The other two young men had the luck to escape with their lives. This occurrence is well known here, and has caused much alarm. No investigation has been made. The man who committed the deed is named Galindo.

Reliable persons have given us the particulars of the above occurrence. Diego Monte-

negro, son of old Colonel José Montenegro, was not over sixteen; he was going out to work with his cousin Matias, a little older, at a farm belonging to the latter.

Their murder was of the most atrocious character, and we can readily imagine the consternation it caused in Zapotlan. When the citizens find that neither their lives nor their property is safe from those who ought to defend them, all confidence is lost, and society must lapse into a savage state.

Jalisco has had the sad privilege of witnessing sanguinary sights of that kind for some time past; and we now have to add the Montenegro young men to the names of Murillo, Llamas, Merino, and Alcaraz. The evil increases instead of diminishing. Why is this? We will boldly say, it is because the guilty are not punished. Society is shocked at this shedding of innocent blood, and each one awaits his turn to be sacrificed.

To give a just idea of what is passing in those unhappy towns, let us glance at the past. Last month we spoke of the atrocious and unjust murder of Trinidad Alcaraz, near Zapotlan. After the Payaso had mentioned the event, the prefect of Colima pretended to investigate the affair. Here is the reply of the sub-prefect of Zapotlan, taken from the official paper of Colima:

‘ CIVIL SUB-PREFECTURE OF ZAPOTLAN,

“ June 6, 1866—No. 512.

“DEAR SIR: I received your note of the 4th instant, in which you state your attention has been called to the mention of the murder of Trinidad Alcaraz, in No. 4 of the Payaso. In reply, I inform you that on the 24th of April I received a communication from the alcalde of Tamazula, saying that on the night of the 17th he received a despatch from the commander of the imperial officers at Matacristos and Alverea, and from Commissioner Reyes Diaz, saying, as he went in pursuit of the robbers, Trinidad Alcaraz came out and attacked them with the robbers. Two of the civil officers were killed and several wounded. The robbers then shut themselves up in Trinidad Alcaraz's house. The next day Reyes Diaz came and besieged it. Manuel Alcaraz was ordered to give up his son, which was done. Now as he was in league with the robbers, and had been the accomplice of the robbers in their plunders and assassination, even before the war, and had frequently been in jail for murder, and only got off by his great influence, it was decided to shoot him on the spot. The alcalde was opposed to such summary proceedings, and started with the prisoner to Tamazula. On the road he was attacked by an ambuscade, and Trinidad Alcaraz was killed. Reyes Diaz told the alcalde he was a police commissioner, appointed by the prefect of Guadaluajara, and he had the power to dispose of all such criminals in a summary way. An investigation of the affair was commenced the next day in Tamazula, and it has not been finished yet.

“All of which I communicate to you for your information. God grant you many years.

“MIGUEL ROBLEDO,

“District Sub-prefect.

“The SUPERIOR PREFECT of the Department of Colima.”

From the above communication it is evident Alcaraz was shot in cold blood, and we are tempted to inquire in what kind of society we are living. After this we have nothing more to say; the facts are eloquent.

Colonel Montenegro has our most sincere condolence. In less than three years he has lost three of his sons by violence. We sympathize with him in his grief, and pray for the eternal repose of young Diego's soul.

After the above was written we saw another letter from Zapotlan, from which we take the following:

“As Gregorio Contreras was returning from his farm last night he was attacked and murdered near the city by Rafael Chavez, one of the police appointed by Robledo. The assassin has not yet been arrested, though a warrant has been issued, and he is still in the place. Robledo and Chavez were personal enemies of the deceased; the former hated him because he was a liberal, and the latter had a private grudge against him.”

This letter says the Montenegro boys were going to Tecalitlan to buy cattle when they were murdered.

No. 8.

OBITUARY.

GUADALAJARA, June 29, 1866.

J. Guadalupe Montenegro and wife inform you, with profound grief, that their son Diego, aged sixteen years and five months, was murdered and robbed, on the 21st of this month, by order of the chief authority of Zapotlan, for no other crime than being named Montenegro.

They beg you to pray God for the eternal repose of his soul, and the protection of the lives and property of us unfortunate Mexicans.

(Printed by Brambila.)

No. 9.

ORDER OF A CONSCRIPTION.

By order of the government measures have been taken in reference to a partial conscription, according to the law of the 21st of November, which institutes conscription, the basis of the military organization of Europe.

The following is the circular which this prefectura has published:

PREFECTURA POLITICA OF THE DISTRICT OF THE VALLEY OF MEXICO,
Mexico, June 6, 1866.

The ministry of gobernacion, under date of yesterday, has addressed to this prefectura the following communication:

His majesty the emperor has decided that, in accordance with articles 2d and 12th of the law of the 1st of November, 1865, the partial conscription, on the terms therein prescribed, shall be proceeded with. This conscription is designed to call into service a certain number of men necessary to the reorganization of several companies. The following is the basis determined on:

On Sunday, the 15th of July of the present year, a draft for 2,300 men will take place in the capital of the district of the Valley of Mexico and in the capitals of the districts of Puebla and Queretaro.

2. The city of Mexico will furnish 1,449 men, Puebla 1,543, and Queretaro 345.

3. The said towns will be exempted from the general conscription which will soon take place throughout the empire.

The draft will take place in accordance with the provisions of the law of the 1st of November, 1865.

I have the honor to communicate this to your excellency, in order that the necessary orders may be transmitted to the respective authorities, according to the decision of his majesty, and to request that you will send me a copy of these orders for the information and action, if necessary, of the ministry under my charge.

The Minister of Gobernacion,

SALAZAR ILARREGUI.—(*L'Estafette.*).

No. 10.

PENSION TO THE FAMILY OF GENERAL ZARAGOZA.

The *Diario del Imperio* of yesterday says:

"The widow of General Zaragoza has received a pension, which she justly deserved, in virtue of an existing law that has never been repealed. His majesty could not be so unjust as to refuse a support to orphans.

"This act is just because it is according to law, and generous because it is relief to an unfortunate family. It has given offence politically, which should not have been, as his majesty's sentiments for his glorious allies, the French, are well known.

"It is judging ill of France to think she will be displeased with an act of justice which is helping a widow with a family. This great nation, that has given so many noble examples of generosity to its enemies, will never deny justice to the relatives of a man with whom it has contended. If it is necessary to give examples, we will remind you that the Bourbon government granted a pension for life to Robespierre's sister, and his Majesty the Emperor Napoleon gives a splendid pension to the Emir Abd el Kader, who fought against France for seventeen years.

"So it will be noble to let this question rest, as it only acknowledges the right of a widow protected by the laws of the land."

No. 11.

[From El Pajaro Verde, Mexico, June, 1866.]

A FALSE STEP.

The *Estafette* gives the above title to the ratification of the pension voted by the rebels in their congress to the family of Don Ignacio Zaragoza, a notice of which was published in the *Sociedad*. The *Estafette* hopes it is a mistake, and that the publication will be contradicted, and then makes these comments:

"If it were a private charity no attention would be paid to it; nobody would object in the least; but the publicity of the affair shows it has a political signification, and each one interprets it after his own fashion. The Juarists say:

"If Maximilian by this means to confess that General Zaragoza was well-deserving of

his country because he resisted the foreign invaders, why does he continue to make war on Juarez, and treat as rebels those who are now following the patriotic traditions of the defender of Puebla? Zaragoza would have fought against him just as he did against Lorencez. The general's glory is our heritage, and we scorn the alms given to his widow. We must tremble now, when they seek to conquer us with pensions!"

"The conservatives, on their part, make the following remarks:

"As the government raises this monument to the memory of Zaragoza, and publicly proclaims him worthy of the nation's gratitude, we who called for intervention, and chose Maximilian as emperor of Mexico, we who support different men and entertain different opinions, we must be the rascally traitors! Nothing should be given to him who renounces a cause!"

"As to the red breeches, they thought it the strongest investment that could be made of money lent by the French treasury to the Mexican government."

The Estafette concludes by declaring the grant a false step, that should not have been taken till the enemy was conquered. It says: "The challenge was accepted; war was declared and is now being waged; the trumpet has sounded, and no friendly feeling or impossible compromise must be mentioned till the contest is over."

The echo of that declaration of the Estafette will be heard for many years to come.

No. 12.

PERSONS ARRESTED.

The *Diario del Imperio* says: The government has ordered the arrest of the following persons, disturbers of public peace and order, in conformity with article 77 of the statutes:

Feliciano Chavarria, General José Rojo, Mr. Kampherr, Pedro Echavarría, Augustin Cruz, Augustin Zires, (general,) Manuel M. Puente, Juan Mateos, Ignacio Ramirez, General José de la Parra, Manuel Parada, Gabriel M. Islas, Antonio M. Zamacona, Padre Ordonez, José M. Arroyo, Joaquin Alcalde, and J. A. Gamboa.

No. 13.

PUEBLA, July 20, 1866.

RESPECTED SIR:

The Austrian army has been recently organized here and merged into the Mexican army. The men are allowed to choose their arms; \$25 bounty is offered to every soldier when he enlists, and the same sum is given when his time is out to pay his expenses home, if he does not choose to remain in Mexico; but if he remains land is given to him.

The circular letter of the Montenegro family, in Guadalajara, the original of which I send you, with the *Boletín de Guadalajara*, will give you an idea of the true state of affairs in Mexico. The *Sociedad* published the document and got a warning for it, and is now suspended for a month for publishing a paragraph taken from the *Courier of New York*, that took it from the *Paris Presse*. It wanted to supply its suppression by a *Boletín*, but only one number was printed.

The *Noticioso* and the *Diablo Predicador*, of Vera Cruz, have been suppressed; and it is thought that in less than a month there will be no other papers in the country than French and official journals.

The following persons have been arrested in Mexico and transported to Yucatan without any reasons for the act:

Ignacio Ramirez, Joaquin Alcalde, Manuel S. Parada, Gabriel M. Islas, Juan Mateos, Pedro Echeverría, Antonio Zamacona, Manuel Morales Puente, José Miguel Arroyo, Generals Augustin Zires, John Kamper, Feliciano Chavarria, José Maria Rojo, Augustin Cruz, José Parra, and Priest Ordoñez. These prisoners arrived at Puebla on the 17th, at midnight, in two coaches, escorted by militia, and continued their journey in a few hours. They were kept in the Conception military prison, and were not permitted to see anybody.

The escort had orders to shoot any that attempted to escape, or any who might try to rescue them. It is said seventy others, whose names are down in Mexico, will soon follow these, and forty-eight leave here to-day with the escort for Yucatan. They are the insurgents of the Palma ward, and those who stoned the tables set out for the draft. The government of this city has followed the example of the capital, and ordered the arrest of many persons here, and I am among the first.

Those ordered to be arrested at the same time with me are, most of them, in prison, and will soon be on their way to Yucatan.

The liberals seized the garrison of Papantla as you know, and took possession of the

town. A column of 500 men, with three pieces of artillery, was sent to recover it. The liberals allowed them to come in, and then surrounded them, and forced them to surrender, taking all their arms, ammunition, and provisions. The officers of the traitors were shot, the Austrians were kept in prison, and the common soldiers were released.

I may be excused for calling your attention to the situation of the country where there is no national government, but one forced upon the people by French bayonets. There is no freedom of the press; no personal security; no guarantees of any kind. Everybody is persecuted; anarchy and tyranny prevail everywhere. It is not strange that the country is excited—that an eruption is breaking out which will cost much blood and many tears.

Your very obedient servant,

RAFAEL J. GARCIA.

Mr. MATIAS ROMERO, in *Washington*.

No. 14.

[From the New York Tribune of August 16, 1866.]

CITY OF MEXICO, July 20, 1866.

Great excitement has been occasioned in all the principal cities by the order for a draft to fill up the imperialist army. The modes of raising troops under the republic were voluntary enlistment or *leva*, which latter process, resembling the old English impressment for the naval service, was merely the sending out of an armed force and making a general, indiscriminate "gobble up" of every able-bodied male, to put him incontinently into the ranks—to run away, of course, on the first suitable occasion. In lieu of this system, the emperor decreed a draft or conscription, by lot, with the usual provisions for exemption, and also one for paying four hundred dollars to the government for a substitute for a drafted man. Neither fighting nor paying money being a favorite occupation with Mexican townspeople, a stampede from the towns to the mountains or other hiding places had begun. A journal of Queretaro states that it was so general in that city, among all classes, that on the day appointed for the draft probably none but the exempts would be left. A like exodus had commenced in Mexico and Puebla, as the 15th of July had been announced as the day on which the lottery for the honor of bearing arms was to come off. Before that day arrived it was postponed, and finally the official *Diario* of the 19th declared that the entire draft had been indefinitely postponed as "unnecessary." The announcement contains many pretty reflections on the glory of defending one's country, and the equity and advantages of a draft; but says that inasmuch as the authorities in the province had represented to the emperor that the rural guards, already disciplined, sufficed for the desired increase of the army, the draft would only give them raw troops in greater numbers than the service required.

The Estafette gave publicity to some strange rumors in reference to General Almonte, formerly the chief of the monarchical party in Mexico, and head of the regency prior to Maximilian's arrival in the country. These rumors were that the general, on his way last winter to France, as Mexican ambassador to that country, called on Santa Anna at St. Thomas and had a protracted interview with the exiled chieftain, the result of which was a secret union of those two former bitter enemies, with a view to dethroning Maximilian. The official *Diario* of July 17 noticed in a few lines these rumors, and queerly adds: "We can affirm that we know of no foundation for any such reports." One of its cotemporaries calls attention to the singular wording of this denial, and adds: "Until the *Diario* shall have said there is no foundation for the reports, we incline to believe them."

It has long been known to those acquainted with Mexican affairs that Almonte was very dissatisfied. He had received from the emperor Maximilian high court positions, but seemed to be excluded from employments of real power and influence, until his recent appointment as ambassador to Louis Napoleon. There is also, we believe, no doubt that on his way to Paris he and General Brincourt, of the French army in Mexico, paid Santa Anna a long visit.

Private advices received in this city state that Almonte's desertion of the emperor and complicity with Santa Anna were generally believed in well-informed circles in that city, and at one time it was expected that a decree would appear depriving him of his employments and outlawing him. It was further asserted that he had used his position at Paris to influence the French Emperor against Maximilian; that his intrigues had been disclosed to the empress Carlotta in a letter from no less a personage than the Empress Eugenie, who advised her sister of Mexico to counteract them in person; and that that letter occasioned the abrupt departure of the latter for Paris during the absence of Marshal Bazaine on his journey to northern Mexico, and without consulting the wishes or opinions of the French. The Mexican minister of foreign affairs, Señor de Castillo, accompanied the empress Carlotta on her European journey.

The same number of the *Diario* gives a list of persons arrested in the city of Mexico on July 15, on the charge of conspiring to disturb the public peace and order. Their names

are as follows: Generals José Rojo, Augustin Zires, and José de la Parra, the Padre Ordoñez, Messrs. Feliciano Chavarria, Wampher, Pedro Echevarria, Augustin Cruz, Manuel Morales Puente, Juan Mateos, Ignacio Ramirez, Manuel Parada, Gabriel Maria Islas, Antonio Maria Zamacona, José Miguel Arroyo, and Joaquin Alcalde.

Most of these persons are partisans of Santa Anna; the rest are active liberals. Señor Arroyo was assistant secretary of state under Santa Anna's last dictatorship, and the Padre Arroyo is one of his most devoted partisans. All the prisoners except the padre, whose illness precluded his removal, were sent off on July 17 to Yucatan, the Mexican Dry Tortugas.

The French journals, the *Estafette* and *Ere Nouvelle*, are jubilant over the emperor's change of policy. The former, of July 27, says:

"In presence of the enmities exhibited against the empire, and of the dangers which threaten it, the direction of public affairs should not remain in irresolute hands. It is necessary to oppose the audacity of the insurgents with calm and inflexible energy, disorders with the action of justice, the excesses of the oligarchs with effectual repression, and secret intrigues with a command to cease.

"It would be a disgrace to the empire to remain inert and vacillating; it would be intolerable to think that a flag honored in every quarter should be derided and scoffed at with impunity. That flag, whether it shall withdraw soon or late, must leave behind it glorious memories, and command respect from both friends and foes.

"A monarchy cannot be founded on plunder and with supporters of anarchy; the empire should seek in the stanch imperialists its defenders and active leaders. It was high time to do so; but it is not too late: the adoption of a resolute and consistent policy may still secure both the present and the future. The close alliance between the empire and the French army will give to Mexico the force and credit sufficient to overcome all enemies and frustrate all plots.

"The Juarists, Ortegists, and Santannists have declared open war, war without quarter, against the imperial government and the French flag. The war is accepted, and will be carried on as it should be. This is the meaning of the new ministry. The game is regularly begun, and swords are trumps."

The *Pajaro Verde*, (organ of the Church party,) in its number of July 28, quotes the above editorial, and adds:

"Our readers will understand the deep significance of the words of the *Estafette*; we are able to add that his majesty, on last Wednesday night, remarked to some very distinguished persons who dined at his table, that the lovers of order would, within a few days, have cause to be satisfied. We will not assume to interpret the imperial words; our readers, learning of them and aware of recent events, will know how to attach to them the very highest value."

No. 15.

MAXIMILIAN, EMPEROR OF MEXICO.

In consideration of the merits and good qualities of Mr. Friant, chief intendant of the expeditionary corps, we have been pleased to confer upon him the office of minister of finance. Given in Mexico the 26th July, 1866.

MAXIMILIAN.

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.

MAXIMILIAN, EMPEROR OF MEXICO.

In order to save expenses to the public treasury, we have been pleased to direct that the department of fomento be temporarily annexed to that of gubernacion.

Our minister of the interior is charged with the execution of this decree.

Given in Mexico the 26th July, 1866.

MAXIMILIAN.

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.

MAXIMILIAN, EMPEROR OF MEXICO.

In consideration of the merits and good qualities of General Osmont, chief of staff and major general of the expeditionary corps, we have been pleased to confer upon him the office of minister of war.

Given in Mexico 26th July, 1866.

MAXIMILIAN.

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.

Mr. Seward to Señor de Santa Anna.

DEPARTMENT OF STATE,

Washington, August 16, 1866.

The Secretary of State has had the honor to receive from General de Santa Anna, formerly president of Mexico, a communication in which he states that he wishes to visit Washington, and that he would be pleased to know if he will be received as a private gentleman by the Secretary of State.

The distinguished gentleman is hereby informed that inasmuch as his attitude towards the republican government of Mexico, with which the United States maintain diplomatic intercourse, is pronounced by the President of Mexico to be unfriendly towards the government of the republic, a reception of the general in any character, at the present time, by the Secretary of State, would be incompatible with the settled practice and habits of the executive department of the United States.

WILLIAM H. SEWARD.

DON ANTONIO LOPEZ DE SANTA ANNA, *New York.*

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, August 22, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, copies of two letters I received to-day from General Nicolas de Regules, chief of the central army of the republic, dated in San Antonio de las Huertas, the 16th of May last and the 7th of June following, which show the state of affairs on the central military division, commanded by General Regules, who has commanded that line, and specially the condition of things in the State of Michoacan.

I also enclose you copies of portions of a letter from General Juan Alvarez, chief of the army of the south, dated in Providencia, State of Guerrero, the 29th of June last, containing some news from the army of the centre.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

SAN ANTONIO DE LAS HUERTAS, *May 16, 1866.*

DEAR SIR: I wrote to you on the 3d of last month from this place, acknowledging the receipt of your despatches, and informing you of the condition of the army under my command, so that you might use your influence to induce the government of the republic to give me the aid necessary to carry out my plans.

As important events have occurred in Michoacan since I wrote you, I will proceed to give you an account of them, hoping you will appreciate them properly, and do your best to have the supplies I need so much sent to me.

As the imperialists knew they would have a powerful enemy to their organization as long as the army of the centre was permitted to exist, though reduced to a skeleton, determined to destroy it at all hazards, they therefore sent an expedition of six thousand men against our seven hundred naked, ill-armed and suffering soldiers. They came to the attack in three columns, perfectly organized; the plan of their campaign could not be better, for they could force me to fight and destroy me, or compel me to fall back upon the State of Guerrero, with my ragged, starving, needy soldiers, where they would certainly perish of famine, as that country is entirely destitute of supplies.

But the expedition failed, because the two columns of four thousand French had to go

into the interior of the republic on account of defeats in the borders of the States of Jalisco and Guanajuata. Thus deserted, the traitors abandoned the towns they had occupied, and concentrated on a line they thought more easy of defence.

My troops did not suffer as much as was expected, because I left the unhealthy situation where I had been camped, and moved to the enemy's rear with the cavalry, and continued to annoy him till my infantry had passed the Balsas river. I was pleased to see my men endure all sorts of hardships patiently, thus showing how patriots can suffer.

So here we are again, after a march of one hundred leagues through a sickly and destitute country, and my forces have increased in numbers, thanks to General Alvarez, who gave me arms for them; and my cavalry have improved, so we are almost ready to march upon the enemy.

So you will see, Mr. Minister, I only want arms and means to place the central army in a respectable condition, and I hope you will try to procure me both.

Your very obedient servant,

N. DE REGULES.

Minister Don MATIAS ROMERO, *Washington.*

No. 2.

SAN ANTONIO DE LAS HUERTAS, *June 7, 1866.*

DEAR SIR: In reply to your two very acceptable letters of the 1st and 29th of April, which I only received yesterday, I must inform you that I received your others, with the official despatches, in due time, and answered them, and I hope the answers have reached you by this time. I spoke of my situation and my wants with great frankness in those letters, and begged you to use all your influence in procuring me aid, by writing to the government to give the necessary aid to the army of the centre, particularly if the loan has been effected.

As I told you, I have continued to labor without ceasing to increase and organize my forces, in spite of the great scarcity of resources with which I have to contend, and the want of arms and ammunition.

The imperialists are so demoralized at the report of the withdrawal of the French army, and the certainty of no more aid from abroad, that I have no doubt I could vanquish them; but the interests intrusted to me are so sacred I will not risk it unless I have the elements to insure success. If the government will send me the aid I have asked I will attack at once: but I repeat to you that, even if I do not get it, I will not be discouraged, and will work on faithfully and diligently; and I trust my delay will not be attributed to any other causes than those I have mentioned.

I hope you will continue to favor me with your letters, while I remain your respectful and obedient servant,

N. DE REGULES.

Minister Don MATIAS ROMERO, *Washington.*

No. 3.

LA PROVIDENCIA, *June 29, 1866.*

SIR: General Diaz has left this place with eight hundred men from this State for Chantla, a town in the State of Puebla, occupied by a band of traitors. I will write you the result of the expedition by the next mail.

General Regules remains at San Antonio de las Huertas, reorganizing and collecting supplies to continue the campaign in Michoacan. I enclose you two papers which he requested me to send you.

I remain your obedient servant,

JUAN ALVAREZ.

Mr. MATIAS ROMERO.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, August 26, 1866.

Mr. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, No. 21 of the official paper of the constitutional government of the Mexican republic, dated the 20th July last, and con-

taining a brief and correct account of events in the city of Parral, State of Chihuahua, which occurred in the months of March and April of this year, while the French were in possession of that portion of the country. It will give you some idea of the outrages of all kinds committed by the French troops upon a defenceless and peaceable population, who are guilty before the interventionists of the crime of loving their country.

I am pleased to have this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

NOTES FOR THE HISTORY OF THE FRENCH INTERVENTION.

The decree of the 3d of October was published at Parral on the 2d of March. There was a dance that night at Allende, attended mostly by the town people. Some of the attendants, excited by the hate they all have for the empire, shouted for the republic and disarmed the imperial guard. The greater part of the citizens then assembled, and, fearing some disturbance, Don Guadalupe Soto, a man of note in the place, put himself at the head of the insurgents.

When troops came from Parral, Soto, having no arms or ammunition, fell back to Atonilco, where he asked aid of Augustin Vasquez to attack the imperialists, or, at least, to give him arms. Vasquez refused, because he had no orders from the State governor, with whom he was in communication.

The prefect of Parral, in the mean time, had published a circular addressed to the chief citizens, notifying them to furnish a man mounted and armed, for each family, to defend the place. This order was partly obeyed.

The rural guard and some infantry came from the valley, under Guillermo Ortiz, to attack Soto, while he was trying to surprise them. The two parties met at Amoles Secos, and after a few shots the rustics scattered, and Soto fell back with the loss of eighteen prisoners and a few wounded. The imperial forces then went back to Parral with the prisoners and arms they had captured.

About the middle of March Soto again marched to the valley, and had an interview with Vasquez, who had received orders from General Terrazas to occupy Parral. When they had joined, the latter took command of the column.

As soon as the prefect of Parral learned that Soto and Vasquez were at El Valle, he assembled the rural guard and, on the evening of the 30th, issued an order for all the inhabitants to assemble, armed, at eight o'clock, under penalty of the decree of the 3d of October. Nobody obeyed the order.

The next day, at two o'clock, another order was published, commanding those who had not responded to the call of the day previous to send two armed men to the prefecture at six o'clock that evening, else be subjected to a fine of two hundred or two thousand dollars and be condemned to public works from one to six months. In spite of the severity of these penalties very few persons obeyed the order.

On the 22d, at noon, the advance of the imperialists heard that the troops of Vasquez and Soto had passed Alamillo. The imperial troops sallied out at once to attack the assaunders from the cemetery heights. The rural guard scattered. The force that had remained in the palace also dispersed. They were composed of a few armed men commanded by some merchants. A few soldiers remained in the Rayo church, guarding the Valle prisoners. About two in the afternoon the battle began in the edge of the town. The assaunders were in two columns. That under Vasquez entered the St. Nicolas side, while Soto's, driving back the enemy, came in by the Rayo church.

Bonifacio Pavia, the commander, falling back, tried to reach the palace, but he fell near the market, before he got to the square. Commander Ortiz, some distance behind Pavia, could not come up with him, and fell back to the Rayo church. Vasquez, wishing to save life, sent a flag of parley to Commander Ortiz. Vicente Ochoa had charge of it. He took a white flag and started towards the church. When Ortiz recognized Ochoa he came out to meet him. Hostilities were suspended while the terms of capitulation were arranged between Ortiz and Vasquez at the house of the latter. The chiefs signed the capitulation at six o'clock in the evening. By it Ortiz was allowed to retire with the eighteen men he had left as an escort for four days. The men who surrendered refused to follow their commander, so he had to leave alone, after giving up the eighteen arms.

The next day Vasquez, as civil chief of the district, proceeded to appoint constitutional authorities.

News of the capture of Chihuahua was received on the 27th, and the city was illuminated the next night.

On the 30th news reached us that a French force had arrived at Cerro Gordo, but the number of men was not ascertained. That day Vasquez asked two thousand dollars of the merchants, to be paid the next day.

On the 31st the town was alarmed, at seven and a half at night, by some shots in the direction of Rayo hill. It was an express messenger from Rio Florida, bringing the news that 331 French had reached that place. The constitutional forces fell back towards Chihuahua.

On the 2d of April, at half past ten in the morning, 381 French and some of the scattered imperialists of Chihuahua and Parral, under Alvisi, came into the town. He went to several houses to hunt quarters for his officers, and threatened and insulted the owners and persons living in them, without even regard for the ladies.

On the 3d a meeting of the city council was called to compel the people to restore the beds and cots the French had left in the hospital when they quit the place. These beds had been furnished by the merchants of the place.

On the 4th the house of José M. Muñoz was destroyed, his goods, furniture, and clothing burned, only because some drunken men and low women said he shot Pavia from the door of his house. This sentence was executed without the least investigation of the case, either by a civil court or military authority.

On the same day the civil prefect put out the following circular:

HIDALGO, April 4, 1866.

The commander-in-chief of the French forces orders that all merchants and important personages of the city assemble in the Council Hall, fronting on the public square, at two o'clock to-morrow, without fail. Those unable to attend from absence, sickness, or other causes, will send substitutes, with their excuses. Those who refuse to attend will be arrested and imprisoned, and their property confiscated; and if they desert, their houses will be burned.

INOCENTE RUBIO, Prefect.

FRANCISCO HOLGUIN, Secretary.

The meeting did not take place on the 5th, on account of the absence of some of those summoned, and was postponed to the 6th. At noon on that day they were all present but two. The colonel ordered the list to be read, and made the following remarks:

"GENTLEMEN: I will be brief with you, that you may return to your business. I regret I have not the eloquence of Periera, the highwayman, when he spoke in this hall, and said: 'The French are quitting the country, and it will not be necessary for us to come back here;' but we promised to come, and we have kept our word. I am sorry the people did not obey the orders of the prefect, but have shown a preference for the bandits, for those who come here as robbers. They came to rob and pillage, and if they did not commit all sorts of outrages, it was because their leaders had hard work to prevent them. The merchants will not aid brave men to defend them from robbers; will not furnish arms, while they gave the robbers all they wanted. Some person gave twenty-five arms, and some merchants helped them, by shooting the loyalists in the back. I know the names and rank of those persons, but I do not now mention them, because I have no proof; when I have, they shall be shot in the public square. I know of others who told the enemy of my movements. I know their names, and will tell them to remember I shot Esquibel at Rio Florida, for informing the enemy of my movements.

"It is said that Terrazas is coming to attack us. Terrazas may be a man of courage, but his men are all robbers, no better than those who left here. Let them come; it is just what we want. If they come, we will show them we can defend ourselves, and that we will never surrender. If I find it necessary, I will take possession of private houses, and make every citizen take up arms in his own defence.

"General Castagny has ordered me to impose a loan of forty thousand dollars upon this place, to be paid within twenty-four hours; but, as I know it would be hard to raise that sum in so short a time, I grant three days for its payment.

"The contributions will be apportioned according to the wealth of each individual and his behavior. I know how some have behaved. A committee, composed of the civil prefect, president of the council, and revenue collector, is assigned to the duty of assessing the contributions. The money so collected is to pay the imperial forces of the sixth military division. No person is exempt from this contribution, for I am in the habit of carrying out the orders I receive, and I warn every one to contribute according to his means.

"Those who refuse to pay will be imprisoned; their goods, furniture, and clothes will be sold at public auction, and if there are no bidders, which is very likely to be, they shall be burned in the street. Besides this contribution, the whole town must pay two thousand dollars for the support of the families of those who died in defence of the empire, and it shall be distributed by the head of the revenue. All persons having arms fit for the service of the rural guards shall give them up within twenty-four hours, under a severe penalty. No one need try to hide the arms for a domiciliary search shall be made."

This sum was collected from the liberals; not one interventionist was taxed! The contributions were high compared to the wealth of the inhabitants. Persons whose capital was chiefly in credits were taxed two thousand dollars. One man was fined two thousand dollars for giving a ball and not inviting the intervention authorities, and this was before Vasquez took possession of the place. Another man was fined for beckoning the besiegers with his

hat from the house-top; others, because they were said to have furnished arms to the enemy: some for lodging liberal chiefs in their houses; and all for false information attributed on account of their known political principles.

Some, thinking their taxes too onerous, attempted remonstrance, but they were not listened to. After all, only \$32,080 were raised. It was impossible to pay this in gold and silver, so copper coin was taken at six per cent. additional.

By five o'clock on the evening of the 10th the money was paid, and very few deductions were made from the original quotas. Out of three who refused to pay, one was put in jail, two ran off, and the furniture and clothes of all were burned in the streets. Deducting this loss, only \$33,000 was collected, much of it in copper.

On the eleventh, three companies of infantry were sent to Valle and Atotonilco. Five thousand dollars was assessed on the former of these places, and this notice was stuck up:

"Public notice.—Colonel Alvisi, commander of Parral, having heard that it is the habit of the people of this town to shout for the liberals, and insult the constituted authorities whenever the French forces are not present, and that the public mails have been stopped—now as this conduct is intolerable, I have been ordered to remedy these evils in a summary way, and I therefore warn the inhabitants of this district that, if the authorities are again insulted, the mails interrupted, or treasonable language used publicly, the town shall be burned, the fruit trees cut down, and the severest punishment inflicted upon the guilty persons.

"For general information, I order this notice to be published in triplicate, in the most public places.

"Town of Allende, April 16, 1866.

"DIDIER, Commander of the Town."

Atotonilco was almost totally destroyed by fire; only a few hours were allowed to the citizens to take out a few things for personal use. As the time was so short, not much was saved from the devouring element.

A portion of this force went to Talamantes, and the rest took the road to Iturralde. The first division commenced by burning Bruno Soto's house, and the family could get nothing out of it. Provisions, furniture, clothing, everything was burned. When the fire had taken well, the troops withdrew.

The troops that went to Iturralde surrounded Urquidí's houses, at a distance, and marched up. The French commander arrested the Urquidís and took them to Parral, where they were imprisoned in the centre of the town, allowing no communication except with relatives, who must have a special permit. They have not been informed of the cause of their imprisonment.

On the 16th it was reported that General Terrazas was at Santa Rosalia, with his whole force. At this the French redoubled their vigilance, collected provisions and water, and most of the inhabitants went into the country.

In three days the panic was over, and the families returned to their houses in town.

N * * * *

PARRAL, April 20, 1866.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, August 27, 1866.

MR. SECRETARY: I have the honor transmit to you, for the information of the government of the United States, the documents expressed in the annexed index, which I received from the city of Mexico by the last Vera Cruz steamer, showing the situation of affairs in the portion of Mexico groaning under the rule established by the intervention.

I call your attention to a circular in French, addressed by the usurper Ferdinand Maximilian to various French agents, about the end of July last, which places beyond doubt, if there ever was any, that the so-called imperial government is not, nor ever has been, anything else than a French military government.

Moreover, what the French papers say of Jalapa and of the valley of Toluca is equally applicable to all that portion of the Mexican republic occupied by the invading army.

I embrace the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, on the state of affairs in the city of Mexico.

No.	Date.	Contents.
1	1866. July 30	Circular from the private cabinet of the usurper, Maximilian, to the French employés, explaining its policy.
2	July 30	Decree of the usurper declaring the State of Michoacan to be in a state of siege.
3	July 30	Decree of the usurper declaring the States of Puebla, Tlaxcala, and part of Vera Cruz to be in a state of siege.
4	July 30	Decree of the usurper placing the police force under command of a French officer.
5	Aug. 1	Decree of Don J. Calderon declaring Jalapa to be in a state of siege.
6	Aug. 8	An article from the Estafette, the organ of the French army in Mexico, on the situation in Jalapa.
7	Aug. 1	A private letter in the Estafette on the situation in the valley of Toluca.
8	Aug. 1	An article from the Pajaro Verde, an intervention paper in Mexico, stating that the eighty-first regiment of the line of the French army will remain in Mexico at the service of the usurper.

No. 1.

On the eve of the departure of the French troops, while the country is in anticipation of trouble, the emperor has been solicited to make some reforms; but faithful to his antecedents, which have been badly represented, only taking counsel of his conscience and his devotion to his people and the policy of the Emperor Napoleon in America, his majesty has rejected everything that seems to oppose his intimate alliance with France. He has always desired, and still desires, that the great conception of European and Mexican patriotism that produced the empire may be accomplished. As he is not moved by any consideration of personal interest or vain renown, his sacrifice to duty will always be easy.

His ideas, his creed, his policy, all have been affirmed by acts which place their author in perfect accord with French ideas.

The cabinet has been modified. General Osmont and Intendant Friant have been taken into it, yet remaining at the head of their respective services in the expeditionary corps, the former as minister of war and the latter as minister of finance. Mr. Salazar Ilarregui, the firm and constant partisan of intervention, keeps the portfolio of the interior. The other departments, of secondary importance, are put in charge of under secretaries of state.

The emperor's policy is explicitly set forth in the following passage in a letter which he addressed to Mr. Salazar Ilarregui:

"My programme is simply this: energy with, and protection to honest, peaceful people at home; an intimate alliance with France abroad. I know those are your ideas, too, and I depend on your patriotism to carry them out."

What could be more positive and more simple! Such a declaration admits of no comment. To discuss it would be to weaken it.

We have nothing more to add except that it borrows a new strength from the letter of the emperor to Marshal Bazaine, informing him of the change he had effected in the mechanism of his government.

The emperor of Mexico places all the disposable resources for the pacification of the country into the hands of the commander-in-chief of the French expeditionary corps. He delegates much of his authority to him in allowing him to declare a siege and to discharge officials whom he may consider incompetent, and to replace them by others.

Thus the door is closed to every ambiguity, mistake, or accusation of declared enemies, or flattery of pretended friends.

The emperor Maximilian, constant in a line of conduct that history will reveal in its true light, has given, of his own accord, the best guarantee he could offer to France. His good will and self-denial will be justly appreciated by the eminent statesmen who participate in the councils of Napoleon; and we may say even now that the situation, all embarrassing elements being removed, will be safe if everybody follows the exalted example and does his own duty.

No. 2.

MAXIMILIAN, EMPEROR OF MEXICO.

Considering that the departments of Michoacan and Tancitaro are now threatened by bands of malefactors that disturb order, destroy property, terrify the people, and disturb that tranquillity and security that reigns in the centre of the empire; considering it is our duty to protect and give aid to all the citizens in every way within our power, and by every means allowed by law; in accordance with the decree of the 16th of September, 1865, and with the opinion of our council of ministers, we decree as follows:

ARTICLE 1. The departments of Michoacan and Tancitaro are declared to be in a state of siege.

ART. 2. General Mendez is charged with the command of those departments: the first is temporarily withdrawn from the 1st military division, and the second from the 4th.

ART. 3. In conformity with powers granted by the decree of the 16th September, 1865, article 4, the towns will preserve their organization in order to carry out the commands of the military authorities.

ART. 4. Two councils of war shall be established in the territory, under command of General Mendez.

Our ministers of war and government are charged with the execution of the present decree in its corresponding parts.

Given in Mexico the 30th of July, 1866.

MAXIMILIAN.

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.
AD. OSMONT, *Minister of War.*

No. 3.

MAXIMILIAN, EMPEROR OF MEXICO.

Considering that the departments of Tuxpan and Tulancingo, as well as the district of Zacatlan, in the department of Tlaxcala, are threatened by bands of malefactors; considering that this disturbance is caused by persons who favor smuggling to the injury of the nation in general and of its citizens; considering it is our duty to keep peace in those localities by every means in our power which the law provides, and to put a stop to this robbery of the public treasury, by the decree of the 16th September, 1865, and the opinion of our council of ministers, we decree as follows:

ARTICLE 1. The departments of Tuxpan and Tulancingo, as well as the district of Zacatlan, in the department of Tlaxcala, are declared to be in a state of siege.

ARTICLE 2. Brigadier General Count Thun is charged with the exclusive command of these departments and the district, with his headquarters at Tulancingo.

ARTICLE 3. A council of war shall be established at Tulancingo.

ARTICLE 4. In conformity with powers granted by the decree of the 16th September, 1865, article 4, the towns will preserve their organizations in order to carry out the commands of the military authorities.

Our ministers of war and government are charged with the execution of the present decree in its corresponding parts.

Given in Mexico, on the 30th July, 1866.

MAXIMILIAN

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.
AD. OSMONT, *Minister of War.*

No. 4.

MAXIMILIAN, EMPEROR OF MEXICO.

Having heard our council of ministers, and considering the inertia of public affairs in the empire; knowing it is our first and greatest duty to protect persons and property, and punish disturbers of the public peace, and desiring to concentrate the imperial police under one chief, we have decreed as follows:

ARTICLE 1. The police is directly subject to our minister of government.

ARTICLE 2. Wherever there is a force of gendarmery, the municipal police shall be under it, giving aid to and receiving orders therefrom.

ARTICLE 3. Baron Tindal, lieutenant colonel of gendarmery, is hereby named director for the valley of Mexico, and especially charged with the public safety.

ARTICLE 4. He is also invested with plenary powers to execute the duties of his office. Our minister of government is charged with the execution of this decree.

Given in the palace of Mexico, on the 30th July, 1866.

MAXIMILIAN.

By the emperor:

JOSÉ SALAZAR ILARREGUI,
Minister of Government.

No. 5.

WARNING.

JALAPA, August 1, 1866.

On account of recent events General Calderon has been pleased to issue the following notice:

General Juan Calderon, supreme commander in the districts of Vera Cruz and Jalapa, makes known to the inhabitants of the latter city, that as the place is threatened by enemies of the government of his imperial majesty, and it being my duty to preserve order and public peace at all risks, I have been pleased to order the observance of the following regulations from this time forward:

1. After sunset no person is permitted to ride through the city on horseback, except those in military service and on duty, and the police.
2. All assemblages of more than two persons, of those known publicly as hostile to the present government, are hereby prohibited.
3. Violation of the above regulations shall be punished as the police laws declare.

J. CALDERON.

No. 6.

[From the Sociedad, Mexico, August 8, 1866.]

The Estafette published yesterday these brief but alarming lines:

"From Matamoros to Alvarado the whole eastern coast is in revolt. Tampico is held by the rebels; the robbers threaten the gates of Vera Cruz; Jalapa is besieged, and the treasury is empty.

"In this emergency the only alternative for the government is to raise money or break up."

The same paper publishes this letter of the 3d August, from Jalapa:

"Your last letter reached me by the merest accident, and it is one of the few that have come through the rebel bands that surround the city, and have intercepted every communication for the last twelve days.

"News from the city of Mexico has somewhat revived the dejected citizens, for they were much discouraged by rumors of danger threatening the capital.

"Nobody has ventured out of town for some days. The enemy, of four or five hundred at least, approach the town and fire upon harmless citizens, and then go back to their camp only a league off, certain they will not be pursued. In fact, General Calderon, commander here, has not enough forces to defend the place, and we hear of no re-enforcements.

"On the other hand, a new revolution is whispered, and if it breaks out you may imagine what will become of Jalapa,

"Chacon is on the south of the city, Ochoa on the west, and Murieta on the northwest, with forces of 150 or 200 men each."

No. 7.

[From the Sociedad, Mexico, August 5, 1866]

The Era, speaking of the bad situation of the valley of Toluca, publishes the following paragraphs from a letter dated in Tenancingo, the 1st of August:

"The people of Zacualpan are more lucky than we in getting Juan Lechuga, the former sub-prefect, restored to his old place.

"We are in constant alarm here, fearing every moment the rebels from San Gaspar may come down upon us in considerable numbers. The danger is imminent, and I myself had to go to inform the authorities of Toluca of it.

"The whole valley of Toluca is in a deplorable condition, and it could not be otherwise. If the government does not attend to them soon, the robbers will ruin all the farms that furnish the capital with grain. This is the result of the machinations of certain men since the French military authorities left Toluca."

No. 8.

[From the Pajaro Verde, Mexico, August 1, 1866.]

Eighty-first regiment of the line.

A French soldier assures us the above regiment is allowed to return to France in November; but as all can stay who wish, only the colonel and the band of music will go back. We are not responsible for the above communication.

Señor Romero to Mr. Frederick W. Seward.

[Unofficial.]

MEXICAN LEGATION,
Washington, September 20, 1866.

DEAR SIR: In answer to your unofficial note of this date informing me that "you have noticed in a St. Louis paper a letter alleged to be from some point on the frontier, stating that the Marquis de Montholon, who is supposed to be a son of the French minister here, had been taken prisoner in the State of Durango, and shot by his captors," and asking me to communicate to you any information I might have received upon the subject, I have to say that I have received, as yet, no information on the matter. Should I receive any, I will be very glad to transmit it to you. If it should be agreeable to you I will ask home for reliable information about that intelligence.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. FREDERICK W. SEWARD, &c., &c., &c.

Mr. Frederick W. Seward to Señor Romero.

[Unofficial.]

DEPARTMENT OF STATE,
Washington, September 20, 1866.

DEAR SIR: I have noticed in a St. Louis newspaper a letter alleged to be from some point on the frontier, stating that the Marquis de Montholon, who is supposed to be a son of the French minister here, had been taken prisoner in the State of Durango, and shot by his captors. If you should have received any information upon this subject, I will thank you for it.

I am, very truly, yours,

F. W. SEWARD,
Acting Secretary.

Señor Don M. ROMERO, &c., &c., &c.

Mr. Frederick W. Seward to Señor Romero.

[Unofficial.]

DEPARTMENT OF STATE,

Washington, September 21, 1866.

DEAR SIR: I have received your unofficial note of yesterday, and thank you for your offer to write home for correct information upon the subject to which it relates. That information would be very acceptable to this department.

I am, dear sir, very truly yours,

F. W. SEWARD,
Acting Secretary.

Señor Don M. ROMERO, &c., &c., &c.

Señor Romero to Mr. Frederick W. Seward.

[Unofficial.]

MEXICAN LEGATION,

Washington, September 21, 1866.

DEAR SIR: I have the honor of acknowledging the receipt of your unofficial note of this date, in which you request me to ask home for correct information on the subject of your unofficial note of yesterday. It will afford me great pleasure to do so by to-morrow's mail.

I am, dear sir, very truly, your obedient servant,

M. ROMERO.

Hon. FREDERICK W. SEWARD, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, September 21, 1866.

MR. SECRETARY AD INTERIM: I have the honor to transmit to you, for the information of the government of the United States, a copy of a letter I received to-day from General Nicolas Regules, chief of the army, of the centre of the Mexican republic, dated in the city of Zitacuaro the 12th of July last, giving particulars of the state of affairs in the part of the country occupied by the army of the centre.

I am pleased to have this occasion to renew to you, sir, the assurances of my distinguished consideration.

M. ROMERO.

Hon. FREDERICK W. SEWARD, &c., &c., &c.

ZITACUARO, July 12, 1866.

MUCH ESTEEMED SIR: I hereby acknowledge the receipt of the documents, relating to the withdrawal of the French from Mexican territory, which you had the kindness to send me with your circular of the 26th of April last.

You cannot imagine my satisfaction at learning that the United States had favored us with their protection, without any solicitation on our part, and that now we have no fear of a difficulty with that neighboring nation on that account.

I am particularly pleased with this act of our government, because we are exempt from all blame, and must appear worthy before the world. I commend you for your participation in the act, and heartily congratulate you on it; and I hope you will make my sentiments in regard to it known to the government.

As I presume you have received my former letters and documents, mentioning my movements, I will confine myself in this to the most recent events in the army under my command.

I remained in San Antonio de las Huertas more than a month, organizing and drilling the forces that form the basis of the army corps under my command; but as it was very sickly there, and the supplies were nearly exhausted, I determined to make a raid upon this place from the good accounts I had of it. I effected this on the 1st instant, without opposition, the enemy having evacuated it on my approach, and fallen back to Anganguco and Maravatio.

As my force and ammunition are not sufficient to allow me to attack the two places, I remain here. The neighboring towns are armed, and are determined to defend themselves, even if I leave them. Cavalry companies are organizing in the districts of Tacanibaro and Ario, and are busy annoying the enemy.

The district of Apatzigan, once not very friendly, has now arisen in our favor. This change has been made by the good conduct of the new chief I sent there, assisted by the death of Julian E-pinoza, the head traitor, who was killed in fight at Tancitaro.

There are more than two hundred cavalry and one hundred infantry arming in Quiroga; and, in fact, they are striving for independence in every part of the State.

I also take pleasure in informing you that the States of Jalisco, Guanajuato, and Toluca are daily increasing the number of defenders of independence. I heard yesterday that a movement was making against the invader in Tenoncingo and other places under my protection, and that some imperialists took part in it. Encouraged by these proceedings, I only wait till my forces are organized and equipped to commence an expedition, the result of which I will make known to you whenever it occurs.

From what I have already written you, the trouble I have had in organizing my forces must be known to you; and now I only ask you to do what you can to assist me.

In the mean time I remain your friend and obedient servant,

N. DE REGULES.

Minister MATIAS ROMERO.

Señor Romero to Mr. Frederick W. Seward.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES OF AMERICA,
Washington, September 23, 1866.

MY DEAR SIR: I have the honor to communicate to you that in a letter dated Vera Cruz, the 12th instant, addressed to me by a gentleman upon whom I can rely, it is stated that the steamer Panama, of the San Nazaire line, arrived at that port on the 10th instant, having on board one hundred and thirty recruits for the French army invading Mexico.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

HON. FREDERICK W. SEWARD, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION TO THE UNITED STATES OF AMERICA,
Washington, September 24, 1866

MR. SECRETARY: I have the honor to enclose you No. 26, volume 2, of the official paper of the government of the Mexican republic, dated the 24th of August last, and to call your attention to the correspondence therein between General Viesca, governor and military commander of the State of Coahuila, and General Mejia, minister of war and marine of the republic, in regard to the exchange of the French prisoners captured by the Mexican forces at Santa Isabel.

I also enclose No. 34 of the official bulletin of the headquarters of the eastern line, published at Tlacotalpam, on the 6th instant, containing another correspondence about the capitulation of the city of Tlacotalpam to the national forces, and the exchange of prisoners effected by General Garcia, second in command on that line.

You will see in the first correspondence that, although the Mexican government consents to a mutual exchange of prisoners, it wishes to establish as a general rule, to be strictly observed by the enemy, that all exchanges made hereafter must be in accordance with the laws of war among civilized nations. You will perceive that this just proposal is rejected by General Douay in his letter to General Viezca, from Saltillo, on the 12th of July last. He says he must consult General Bazaine on the subject before he could come to any definite determination. The reason why the invaders refuse to comply in all cases with the laws of humanity and war, is because they wish to continue their arbitrary conduct on this line. Whenever the national forces take prisoners from them of any importance they propose a regular change, according to the custom of civilized belligerents; otherwise, they sacrifice Mexican prisoners barbarously by court-martials, that judge them by strange rules, to the disgrace of the whole world, as is well known to the government of the United States.

On the contrary, the Mexican army, notwithstanding their indisputable right to reprisals, after witnessing the murder of thousands of their people, generals and distinguished patriots among them, in the most horrid manner, by the invaders, still keep French prisoners for exchange, unless they release them unconditionally, and always treat them with a lenity and consideration of which many proofs are extant, and this has been acknowledged by the French generals, as you will see in the communication of General Douay to General Viezca, of the 14th of June last, also published in the enclosed paper.

This furnishes another proof of the inconsistency of the French, who, after announcing that they had no regular enemy to contend with in Mexico with which they could treat on war terms, enter into negotiations with the national forces, and try to effect treaties that can only be concluded between belligerents.

The correspondence found in the official bulletin of Tlacotalpam shows that not only the French prisoners, but even those of the misled Mexicans who are captured fighting for intervention, are treated humanely by officers of the army that is defending the independence of the republic.

I have seen proper to expatiate upon these particulars, because I think them important to furnish the United States government an idea of the conduct observed by the invaders of my country.

I willingly embrace the opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From the official paper of the constitutional government of the Mexican republic, Chihuahua, August 24, 1866.]

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The president of the republic has learned from your communication of the 8th instant that General Douay expressed a desire to enter into arrangements, through Simon Blanco, to exchange the French prisoners captured at Santa Isabel.

The treatment of our men, when taken prisoners, would be a sufficient excuse for us to treat yours in a similar manner. Our humanity and benevolence to your prisoners, exchanging them when requested, is recompensed by the infamous assassination of General Arteaga, Salazar, and many others, on your part, at Morelia and other places.

It seems to me to be the rule of those who fight to consolidate the monarchy to try to exterminate those who oppose them and foreign intervention; but such barbarous acts have not been initiated by us, not even in reprisals.

In consideration of this the president has determined not to exchange the French prisoners in his hands unless the French general will promise to treat our prisoners with the same consideration, without regard to the dress of our soldiers, who are often poorly clad, and not in uniform. The patriotism of our people is so great they fight in any dress, and should have the greater merit for it and not condemned.

Independence and liberty! Paso, May 31, 1866.

MEJIA.

General ANDRES VIEZCA,
Governor and Military Commander of the
State of Coahuila de Zaragoza, (wherever he is to be found.)

No. 2.

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

You will perceive by the enclosed letters of a correspondence between this department and General Douay the terms he proposes for an exchange of prisoners taken in the battle of Santa Isabel. You will make them known to the president of the republic, and send me his opinion about the business, or you may send them directly to the general-in-chief of the army corps of the north, who transferred the prisoners to the State of New Leon because he apprehended an expedition by the enemy in that district.

Independence and liberty! Monclova, June 17, 1866.

A. S. VIEZCA.

EDUARDO MUZQUIZ,
Secretary to the Minister of War, (wherever he is to be found.)

No. 3.

MONCLOVA, June 9, 1866.

GENERAL: Dr. Simon Blanco, of this city, addressed me a letter on the 1st of May last, asking if the French prisoners taken at Santa Isabel could be exchanged; he also sent me two hundred dollars, which I sent to the chief of the staff, in your name, to be delivered to Lieutenant Montier. I enclose you a receipt for the \$200 sent to Montier.

About the exchange of prisoners, I have to inform you that I have submitted the proposals to the general government, that will decide upon them.

I do not reply to Mr. Blanco, because I have resolved to have no communication with men who have denied their country, and deserted it in the day of its misfortune. So I address you as a worthy enemy, deserving my private esteem and consideration.

A. S. VIEZCA.

General DOUAY, Saltillo.

MONCLOVA, June 17, 1866.

EDUARDO MUZQUIZ,
Secretary of the State Government.

A true copy:

No. .

EXPEDITIONARY CORPS OF MEXICO, FIRST DIVISION OF INFANTRY, HEADQUARTERS—
NUMBER 1257.

SALTILLO, June 14, 1866.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 8th instant from Monclova. Accept my thanks for forwarding the two hundred dollars intended for Montier and his captive companions. I hope you will not consider me importunate if I ask you to remit two hundred dollars more, in exchange on Monclova, to the same destination. I do not wonder, general, that you have not the authority to effect the exchange of our prisoners, for even I am not allowed that power; but my great desire to free my prisoners induces me to write you this letter, knowing you will try to effect an exchange.

I enclose a list of the names of thirty-one Mexican officers confined in Puebla, and one hundred and four Mexicans, six of them officers, taken from Cortinas, now in Vera Cruz. I think the marshal would consent to exchange these prisoners for the French taken at Santa Isabel on the 1st of March, and at Parral on the 13th of August last, and for some Mexican officers lately captured in Chihuahua by Terrazas. I do not know if Montier and his companions in captivity are allowed to communicate with their friends; if they are not, I beg you to permit them to do so. I see no impropriety in it, if the letters are first sent to you unsealed.

You see, general, I do not hesitate to appeal to your feelings of humanity and courtesy in effecting the proposed exchange of prisoners.

Accept my thanks in advance, with the assurances of my high consideration.

F. DOUAY,

General of Division, Commanding 1st Infantry Division, Expeditionary Corps.

General VIEZCA, *Monclova.*

MONCLOVA, June 17, 1866.

A complete copy:

EDUARDO MUZQUIZ,

Secretary of the State Government.

No. 5.

List of Mexican prisoners taken at Oaxaca by the French, and now confined in Puebla.

Lieutenant colonels: Mariano Jimenez, José Alvarez, Remedios Perez, Vicente Lozano, Apolonio Duval, José Maria Omaña, Ignacio Castañeda.

Battalion and squadron commanders: Jesus Sosa, José Maria Ramirez, Maximo Velasco, Joaquin Vallesteros, Julian Jaramillio, José M. Pallacios, Ambrosio Alonso.

Captains: Luis Cataneo, Jesus Recaldo, José Vera, Emilio Legaspe, Carlos Berruecos.

Lieutenants: Francisco Figueroa, Francisco Bueno, José Olivera, Emilio Delicado, Miguel Gonzales, Ramon Contreras, Jesus Herrera.

Under lieutenants: Manuel Sabuiró, Manuel Pineda, Juan Alvarez, Amado Cataneo.

Besides the above, there are six officers captured by Mejia recently in the vicinity of Matamoros, and one hundred and four soldiers, now prisoners of war in Vera Cruz, by order of the government. All these will be exchanged for seventy-eight men, one officer taken at Santa Isabel, and fourteen at Parral in August last, with a few Mexican officers taken in Chihuahua by Luis Terrazas.

MONCLOVA, June 17, 1866.

A true copy:

EDUARDO MUZQUIZ, *Secretary.*

No. 6.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

I answered your communication in reference to the exchange of prisoners captured at Santa Isabel, dated the 8th of May, on the 31st of that month, enclosing the copy of a letter from Simon Blanco, and one from the commander of the first infantry division of the expeditionary army; and in my answer I gave you the terms of exchange. Your note of the 17th of June last reached me to-day. It is in relation to the same subject, and contains copies of your letter to General Douay, and his answer, containing formal proposals for exchange of prisoners. In view of what has been said, the President of the republic intrusts the exchange of the French prisoners of the expeditionary corps, taken at Santa Isabel, to your care, giving for them the chiefs, officers, and soldiers mentioned by General Douay in his communication of the 14th of June last.

This communication is copied for the information of the general-in-chief of the army corps of the north.

Independence and liberty! Chihuahua, July 6, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER

of the State of Coahuila, (wherever he may be.)

No. 7.

MEXICAN REPUBLIC, GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

Your note of the 6th instant informs me that the President has authorized me to exchange the French prisoners of Parral and Santa Isabel for the chiefs, officers, and soldiers mentioned by General Douay in his letter of the 14th of June last.

On the 8th instant I addressed a note, (No. 1,) to him, of which I enclose a certified copy, containing terms of exchange, sent me on the 31st May from the department. I also enclose General Douay's answer to me, marked No. 2. By it you will see that nothing can be done till he hears from General Bazaine.

All of which I have the honor to communicate for the information of the President of the republic.

Independence and liberty! Parras, July 24, 1866.

A. S. VIEZCA.

The MINISTER OF WAR AND MARINE, *Chihuahua*.

No. 8.

MEXICAN REPUBLIC, GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

PARRAS, July 8, 1866.

GENERAL: I have the honor to enclose you a certified copy of the resolution which the supreme government of the republic that I serve has been pleased to adopt in regard to the negotiations you took the trouble to initiate for the exchange of the prisoners of Parral and Santa Isabel.

I hope you will find the conditions announced in the resolution as just, reasonable, and founded on the principles of the laws of war, particularly as you refer in your last note to humanity towards the conquered, in which sentiment I am pleased to say we both agree. I should be sorry to hear of the perpetration of acts by the enemy that might force the republican troops to the extreme of reprisals, so contrary to the good principles of civilization and the rights of humanity.

I remain, general, your attentive servant,

A. S. VIEZCA.

General DOUAY, *Saltillo*.

No. 9.

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE, PARRAS, JULY 24, 1866.

EXPEDITIONARY CORPS OF MEXICO, FIRST DIVISION OF INFANTRY HEADQUARTERS, NUMBER 1476—EXCHANGE OF PRISONERS.

SALTILLO, July 12, 1866.

GENERAL: I have the honor to acknowledge the receipt of your letter of the 8th of July, containing the copy of an official document relative to the proposed exchange of French prisoners taken at Santa Isabel and Parral. The great desire I had to carry out this humane negotiation, of advantage to the whole world, makes me lament that the said letter on exchange of prisoners contains conditions which render it impossible for me to accept, or even discuss it. All I can do is to refer it to the marshal commander-in-chief.

I will not close this letter without thanking you for the interest you have taken in this matter, and begging you to accept the assurances of my high consideration.

DOUAY,

General Com'dg First Division of Infantry of Mexican Expeditionary Corps.

General A. VIEZCA, *Parral*.

No. 10.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The President of the republic is informed by your despatch of the 24th July last, enclosing Nos. 1 and 2 of the last correspondence between you and General Douay, in regard to the exchange of the prisoners that were taken from the invading army in the action at Santa Isabel,

that the business is still pending, as General Douay is awaiting the decision of General Bazaine.

You were directly authorized to attend to this business, because the commander-in-chief of the army of the north, who was informed of it, was so far off. The principles upon which the authorization of the exchange was based are those observed by civilized nations, and which the government of the republic has tried to follow in all its acts, in contrast to abuses committed by the enemy.

Independence and liberty! Chihuahua, August 21, 1866.

MEJIA.

General A. S. VIEZCA,

Governor and Military Commander of the State of Coahuila de Zaragoza, at Saltillo.

No. 11.

MEXICAN REPUBLIC.

Colonel Camacho, commanding the imperialist troops in front, has sent me at 8 o'clock this morning the following communication:

"MEXICAN EMPIRE, TLACOTALPAM,

"August 18, 1866.

"On surrendering this city to you, according to my agreement with the general second in command of the eastern line, I have also the honor to turn over to you privates Donaciano Cruz, Lucas Villanea, Casimiro Rodriguez, and Eufurio Canada, made prisoners to the command of said general on the 10th instant, and Juan Manuel, captured on the 25th May last. I request you to send me, in exchange, to Alvarado an equal number of my soldiers made prisoners in the fight of the 10th of this month. Relying on your generosity and honorable antecedents, I leave in your power privates M. Garcia, J. Valderama, F. Espinosa, A. Perez, F. Flores, N. Arellano, B. Hernandez, and L. Barrera, of my command, who are very sick and cannot be removed. I hope you will let me know when they are able to join me, that I may send for them.

"Having known you, colonel, a long time since, it is gratifying to me to deal with you on this occasion, and improve it to tender you my most distinguished consideration and esteem.

"MARIANO CAMACHO, *Colonel.*"

I have answered as follows:

"MEXICAN REPUBLIC: I am in receipt of your polite communication of to-day, relative to the surrender of this place according to the agreements concluded between you and the general second in command of the eastern line. I thank you for the good treatment received by our soldiers made prisoners in the fight of the 10th instant. I will send you to Alvarado an equal number of prisoners of your command, in compliance with your wishes.

"I duly appreciate your confidence in leaving under my care the sick of your command; they shall be treated as brothers, and may God crown my efforts to restore them to health.

"I also am gratified to deal with you on this occasion, and seize it to tender you my distinguished consideration.

"LUIS MIERZ TERAN, *Colonel.*"

It is 37 minutes after 8 a. m., and I receive a message from Colonel Camacho to the effect that the place is evacuated by his troops. I proceed to occupy it, and issue there this communication.

Independence and liberty! Tlacotalpam, August 18, 1866.

LUIS MIERZ TERAN,

The Citizen GENERAL,

Second in Command of the Eastern Line.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, September 29, 1866.

Mr. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents mentioned in the accom-

panying index relative to Don Antonio Lopez de Santa Anna's offer of his services to the government of Mexico, to which I alluded in my notes of the 26th of May and the 12th of August last to your department.

I am pleased to avail myself of this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of State of the United States with its note of this date, relating to Don Antonio Lopez de Santa Anna.

No.	Date.	Contents.
1	1866. Sept. 5	Don Antonio Lopez de Santa Anna's reply to Mr. Romero's letter of the 25th of May last, and Mr. Lerdo de Tejada's note of the 6th of July following.
2	Sept. 20	Mr. Romero's refutation of Don A. L. de Santa Anna's charges and imputations in the preceding letter.
3	June 28	Extracts of the case of Taylor against Montgomery and Cañedo, about the purchase of the steamer Agnes, in the name of Don A. L. de Santa Anna, to bring him from St. Thomas to the United States.
4	July 16	Extracts from the report of the suit of Don A. L. de Santa Anna against Abraham Baiz, for embezzlement of money given to him in trust.
5	July 17	Reply of Abraham Baiz's lawyers.
6	Aug. 27	Santa Anna's case in the supreme court of New York, before Judge Barnard, against Dario Mazuera and Abraham Baiz for breach of trust.
7	Aug. 28	Notice of the suit of L. Martin Montgomery against Don A. L. de Santa Anna, demanding \$60,000 for services rendered as his agent.
8	Aug. 28	Santa Anna's power of attorney given to Dario Mazuera, in St. Thomas, on the 12th of December, 1865, authorizing him to act for him in the United States.
9	Sept. 1	Notice of L. M. Montgomery's suit against Don A. L. de Santa Anna, for services rendered.
10	Sept. 5	Notice of Emilia Cupin's suit against Don Luis G. Vidal y Rivas for debt, and his imprisonment.

No. 1.

NO. 8 WEST TWENTY-EIGHTH STREET,
New York, September 5, 1866.

SIR: I acknowledge receipt of your note of the 5th ultimo, enclosing a copy of that of Don Sebastian Lerdo de Tejada, secretary for foreign affairs, dated at Chihuahua, July 6, 1866.

I had previously received your letter of May 25, in reply to my own of the 21st of the same month, in which I tendered once more my services for the defence of the national cause. The singular terms of which you make use in this letter, casting highly offensive and unjust imputations on my character, had restrained me from answering it; but, as the two notes mentioned at the beginning of this communication reproduce and officially approve those terms, I am compelled to reply to those imputations once for all. Before going any further, allow me to observe that the rude and aggressive tone in which you respond to the courteous offer of my services in so solemn a cause seems to me not only out of place, but wholly unworthy of a public man.

In the notes alluded to, you see fit to make me the object of the most blackening charges. Señor Lerdo de Tejada, with equal disregard, adopts the same course. I feel, therefore, in duty bound, for the sake of truth, to oppose to said charges my most explicit and emphatic denial.

You say in your letter of May 25, (subsequently approved by Señor Tejada,) that "I was the first to solicit the establishment of a European monarchy in Mexico when I was at the head of the supreme government," and that "I have recognized and supported the intervention of the French Emperor in our country's affairs, as appears from documents recently published." I had, until now, no idea that any one would regard as real evidence the gratui-

tous charges of persons who, among our own countrymen as well as among other people, are ever found ready to attack the members of any government without specifying or proving in proper form any of their accusations, but content themselves with uttering vain and declamatory accusations that have no weight except in the estimation of the ignorant. If the urbanity and courtesy with which I have always treated even those whom I have had to oppose, has induced you to suspect me of supporting this or that form of government, you have fallen into a very serious mistake. In our past national struggles I have always treated Frenchmen, Spaniards, and North Americans, even on the field of battle, with that politeness which is invariably observed among cultivated men. It was reserved for you and Señor Lerdo de Tejada to reject the offer of my services to our country under the very strange pretext, indeed, of my alleged treason to all causes and parties.

If we except the present struggle, (and, as you say, it was brought upon our country, not by me, but by our evil passions and domestic discords,) there has not been a single instance in which Mexico, from the time of her political transformation in 1821, has been engaged in war that I was not the first to come forward to serve her unreservedly with my person and private resources. Thus you see that the courtesy and politeness with which I treated the imperial authorities, when it became necessary, is inadvertently made the basis of a charge of treason against me, and it is taken for granted that my obedience to the plain dictates of prudence is nothing but infidelity to my country. Facts, with their irresistible logic, are justifying me. Those decrees of expulsion with which the French intervention has favored me do not certainly afford evidence of that support given to the usurpers which has been so gratuitously attributed to me.

Further on you state your reasons for not accepting my services on behalf of the republican cause, remarking that "during the late years of my life I have appeared associated with the conservative party of Mexico, a party which," you say, "has promoted the anti-patriotic project of subjugating Mexico." "This," you continue, "would cause every one to fear that by having a share in the affairs of the republic I should contemplate a new revolution, as (so you say) I have done at other times in favor of the same party, and with the decided object of securing the impunity of its guilty members, thus disappointing the reasonable hopes of our people."

I do not understand how ideas so erroneous and incoherent can have occurred to you. If any real fear is entertained of my supposed design to lead a new revolution in the exclusive interest of one party, let me ask how could I start such a scheme by placing my sword at the service of its most bitter antagonists? If such were the case I should be commencing in the worst possible manner, and should sacrifice by such a step that irresistible influence which you say that I hold over the conservative party. Moreover, it would become impossible in such a way for me to make a whole, uniform, and compact body of that party. If I had any other object in view than that of uniting all parties in the defence of the republic and its independence, I would not have placed my services at the disposal of those very leaders whom I had heretofore to oppose in arms while I was at the head of public affairs, and they were trying to disturb public order and to upset our political institutions. By this step I have tried to set an example for our ruin is certain if, in the interest of our common country, we do not all forget our domestic dissensions and discords, and use our united endeavors in defence of the republic against all foreign and domestic enemies.

You, as well as Señor Tejada, charge that I did not offer my services to the republic in the day when the intervention appeared too powerful, but that now I do, when the intervention is about to be abandoned. I never looked upon the intervention as a very powerful and permanent institution. There is no foreign yoke so strong that a people, however weak they may be, cannot finally shake off. But it is sad for one who loves his country to see ill feelings, hatred, and revenge preside over the councils of even those who are at the head of a movement so worthy of the best success.

I do not, indeed, deplore so much the calumnious imputations of which I am made the object as that inexorable disregard with which the extermination of an important and valuable circle of Mexican society is boldly proclaimed. The terms in which you and the government at Chihuahua proscribe a numerous party of the Mexican people, form a perfectly horrible programme of death and desolation. It is an easy matter to set a place on fire, but not so easy to set bounds to the damage it may do, or to foretell the number of victims it may sweep away.

I do firmly believe that unless our domestic quarrels and hatreds be stifled, we can never expect to witness a cessation of this effusion of blood by our countrymen, or an end to the calamities that now afflict our unfortunate nation. Out of decorum I have carefully abstained from making any personal imputations while repelling the charges with which you and Señor Tejada have sought to overwhelm me, and which rest on the supposition that I am influenced by the worst of motives, and to judge even my inward intentions. Are you not aware of the confiscation of my valuable estates by the imperial authorities in punishment of my adhesion to the national cause?

I might as well have made no reply to the vague and unfounded charges contained in your notes alluded to, but I feared that my silence regarding points of so much delicacy may be construed in an unfavorable sense.

As to my past career, to which you allude by saying that I have served all parties, allow

me to inform you that no partisan feeling has ever actuated my official conduct. As a soldier I have always been found at the post assigned to me by my duty. You cannot be ignorant that, in our international conflicts, I have always fought under that same flag which I was the first to unfurl before the civilized world—even before the formation of our republic. The rough terms in which your notes reject my services do not deter me from doing my best in behalf of our people. I am still influenced by the same desire. I acknowledge the same duty of using in the service of my country that sword with which she honored me in her brightest days. The people to whom you appeal will know how to appreciate my devotedness in thus disregarding the scorn of men whom I had to oppose, in former times, in the defence of our Mexican institutions. For my part I will always continue to promote union among our countrymen, considering it an indispensable condition for the triumph of the republic.

I am, very respectfully, your most obedient servant,

A. L. DE STA. ANNA.

His Excellency Don M. ROMERO,
Minister from the Republic of Mexico, at Washington, D. C.

No. 2.

WASHINGTON, September 20, 1866.

DEAR SIR: Night before last I received your communication of the 5th instant, in reply to mine of the 25th of May last and 6th of August following, with the last of which I sent you the answer of our government to your offer of services in your letter of the 25th of May already mentioned.

The reason why it was so long reaching me was, it was mailed unpaid to the post office, most likely through the oversight of your secretary, as you will see by the envelope which I return to you, and was not forwarded, but sent to the dead letter office of the department in Washington, whence it was sent to me by courtesy the night before last. I make this explanation to excuse myself for not answering your communication sooner.

Here I ought to conclude this letter were it not for your remarks and charges made upon the government I represent, and upon me in person, which compel me to give a more lengthy reply to your communication. This I prefer doing in a private letter, because I can thus speak to you more frankly than I could in the official style.

You call the language used in the reply to your offer of services as seeming rude and offensive, and you term it improper and altogether unsuited to public men. These complaints, which I think without foundation, reached me since my letter of the 25th of May was in the hands of your commissioners. If you had confined yourself to making an offer of your services in writing, I would have done no more than acknowledge the receipt of your communication, and informed you that I would transmit it to my government; but, besides writing, you saw proper to send a committee composed of four gentlemen, who were to explain your wishes and plans to me. According to your instructions, and the tenor of your letter of the 21st of May to me, they entered into minute explanations, with great candor on my part, about the condition of our country, and the propriety of accepting or declining your services. After two long interviews with them, I thought it my duty to put the principal points of my remarks in writing, so that there should be no doubt about my meaning. In my letter I did my best to be frank without being disrespectful to you. I had no cause to offend you, nor would I have used it had there been a reason. I have too much respect for the position in which my government has placed me to abuse it by entering into personal disputes. Moreover, it would have been very ungenerous in me to seek to offend you when you were offering your services to our country. This is not my nature. If, therefore, you found some sentences in my letter which you thought harsh, and perhaps so might have been, you must attribute them to the circumstances and facts emanating from your antecedents, and not to any ignoble desire to insult you.

Allow me, sir, to inform you, once for all, that, as I took no part in the public affairs of our country while you were in it—for I have only been connected with politics in Mexico since December, 1855, and you left Vera Cruz in August of that year—I have never had you for an opponent in politics, nor have I suffered any injury from you or your government, and, of course, have not the slightest cause of resentment against you. I look upon you as a historical character, and I judge you, and have always judged you, as far as I was able, with the same impartiality you might expect from future generations.

You complain that I made charges against you in my letter of the 25th of May, which you term defamatory, and say are without foundation. They are two, namely:

First. That you were first to solicit the establishment of a foreign monarchy in Mexico when you exercised the supreme power.

Second. That you recognized and supported the intervention which the Emperor of the French has brought to our country.

These two facts are so well known, and have been acknowledged by you on so many occasions, and in so many ways, that I am surprised that you now attempt to deny them, and

that you term them "gratuitous imputations." You may allege, as an extenuating circumstance, that you were mistaken, as you have already said; you may say that the error was in good faith; that thus you thought to promote the well-being and prosperity of our country; but the fact that you solicited the establishment of a foreign government in Mexico, and that you acknowledged and submitted to French intervention, and gave it the support of your name, is altogether undeniable.

To convince you that I am not "repeating the imputations that have been thrown upon you without proof or substantiation of the charges," I would inform you, at the risk of being prolix, that the publications recently made by your late political friends furnish all the proof necessary in this particular. The full powers you gave to Don José María Gutiérrez de Estrada, on the 1st day of July, 1854, while you were dictator in Mexico, "authorizing him to negotiate with the courts of London, Paris, Madrid, and Vienna, and to make due efforts to obtain from these governments, or any one of them, the establishment of a monarchy, derived from one of the dynastic houses of those powers." This might prove whether or not how disinterested you were, when you were ready to give up your place to a foreign prince at a time when you could have made yourself monarch, as you assert in your manifest of the 7th of June last; but it leaves the fact that you did solicit the establishment of a European monarchy beyond doubt.

In the same documents before quoted, published in January last in numbers 20 and 22 of the so-called *Diario del Imperio*, the authenticity of which you have never disputed, it is seen that as soon as you heard that the Emperor Napoleon had decided to send the Archduke Maximilian to Mexico—that is, on the 30th of November, 1861, even before the allied forces had arrived upon the territory of the republic you wrote to Mr. Gutiérrez Estrada from the island of St. Thomas, as follows:

"The candidate of whom you speak (his imperial highness the Archduke Maximilian) is unexceptionable, and, of course, I hasten to give him my approbation." Not yet satisfied, you wrote a letter to the archduke himself on the 22d of December, 1863, expressing great admiration for him personally, and making protests of submission of such a nature they might serve as a model of epistolary style for despotic governments.

You next went to Vera Cruz, and on the 2-th February, 1864, you wrote to Don Juan de D. Peza, so-called under-secretary of war and marine of the regency established by the French, informing him you had returned to Mexico "to co-operate, as much as you could, in the consolidation of the government created by the intervention;" and you concluded by asking that the so-called regency might give you any orders it esteemed convenient.

If, after this, you persist in saying you did not recognize the acts of the French intervention, we must confess that language with you has a different meaning from what the generality of men give to it.

In the communication I am now answering you say: "If you take the politeness and civility with which I am accustomed to treat even those who are opposed to me as evidences of a support to this or that government, you are very much mistaken."

If you call your support of French intervention in Mexico by the name of civility and politeness, we can hardly believe your offer of services to us in May last to be serious. Perhaps you will hereafter call that mere politeness and civility, particular when, on comparing the terms of the two offers, we find the language of the latter much more expressive than that of the former.

Continuing your very difficult task to prove that you did not recognize intervention, you say:

"Facts are in open contradiction to you. Did the partisans of Maximilian, or the French who sustained him, allow me to stay a moment on the soil of our country?"

And further on you add:

"Do you not know that my immense estates have been confiscated as a punishment for my adhesion to the national cause?"

Because the French and traitors did not admit you, it is no proof that you did not offer them the influence of your name, and even the assistance of your sword; but it is a proof that, on account of your past conduct, and from the peculiarities of the present, you did not inspire them with confidence.

The fact that the usurper has ordered the sequestration of your property in the State of Vera Cruz, far from demonstrating that you did not recognize him, is a proof that you are a traitor to his cause. The property of Mexicans who did their duty from the first by opposing French intervention and all its consequences, has not been systematically sequestered or confiscated, while yours has been. This goes to show that you have been with them, and they have reason to treat you with especial severity.

These two points settled, I now proceed to the others mentioned in your communication.

You say in two places that I rejected your services, which I do not think is exactly so. You offered them to my government, through me. I immediately sent your offer to the President of the republic, and in my conference with your commissioners I told them frankly why I thought it was doubtful whether they would be accepted, and why I could not accept them. The government could have accepted them even after what I said, if it deemed it would be for the interests of our country.

Among the reasons I then gave for thinking of doubtful expediency the acceptance of

your offer, I mentioned that your alliance during the last years of your life with the conservative party of Mexico, who have been the originators and supporters of the anti-patriotic project to constitute Mexico a dependency of France, would cause a fear that in your participation in the affairs of the republic you might try to excite a revolution in favor of that party, so as to leave guilty persons unpunished, or attempt to establish a new party.

You are pleased to term these powerful considerations "incoherent and contradictory arguments," and proceed to explain why you say so. No one who is acquainted with your antecedents, and who judges you impartially, can fail to see the foundation of those fears.

The fact that the republic as well as the French have rejected your offers, shows that both Mexicans and French doubt your good faith and fear your defections. No one can doubt that you have given cause for this mistrust.

You say, in speaking about the parties of Mexico, you are favoring no party in Mexico, but your only desire is to unite all in defence of the republic and independence.

Further on you say: "Certainly I do not deplore the defamatory imputations made upon me so much as I do that inexcusable blindness with which the extermination of a valuable portion of our society is openly proclaimed. The terms in which you and the government of Chihuahua proscribe a large portion of the Mexican people presents a programme of death and desolation too horrible to contemplate."

I might agree with you in some of your remarks about the conciliation of parties; in regard to the others, I must say to you that nothing in my letter of the 25th of May, nor anything in the note from Mr. Lerdo de Tejada of the 6th of July, justifies the interpretation you give to both documents.

There must be parties in republican governments to serve as barriers to usurpation of those in power and as a counterpoise to the executive; and as long as they keep within legal limits, they are an advantage rather than an evil to the nation. Their organization and aims depend upon questions of the day, and end with them. The principal question discussed in Mexico since the establishment of the republic is progress, and the party advocating it is termed the *liberal party*; the party in favor of the *statu quo* or retrogression is called the *conservative party*.

The members of this last party exceeded the limits of law and patriotism when they solicited the intervention of a foreign nation in the domestic affairs of its country, to overthrow the national government and establish an order of things which, whatever may be the appearance, could only constitute it a European dependency. Now, this party, with few exceptions, recognized the intervention which some of its leaders had solicited, and have continued to support it. From that moment it ceased to be a political party and changed into a traitor faction.

The liberal party, with the exception of a few renegades, believed it a duty to oppose foreign intervention and defend the independence of the country at all hazards. From that time the names and objects of the parties changed. One is the national or independent, struggling against foreign conquest; the other is the traitor Frenchified party, composed of those who favor the invader of the country.

All the former conservatives who were animated by patriotic sentiments, and did not choose to follow their party, have met with a kind and frank welcome from the national party; and the few liberals who joined the usurper now belong to the traitor faction. The efforts of the national government to rally around its flag all Mexicans, without distinction of party, are well known. All those who invited the invader, or are assisting him materially, no matter whether they were called conservatives or liberals, are guilty of treason in my opinion, and ought to be punished according to law. This is required by public morality, for the welfare of society.

In my letter of the 25th May I did not say it was feared your intervention in the politics of our country would cause a revolution in favor of the conservative party, for the purpose of saving that party from punishment, but only the guilty members, and this is not proscribing the whole party, as you seem to understand it.

In this second war of independence the same events are taking place that occurred in the first; a portion of the nation, though much less than that which joined the Spaniards then, now unite with the French. Those fought against their brothers who were contending for the most sacred right upon earth; these strive now, under the French flag, to subjugate the common mother.

The inexperience and candor of our fathers induced them to accept those Mexicans opposed to independence when for personal interest they abandoned the cause they were defending, and left the situation in their hands. The evil consequence of this serious error was immense, and the present French intervention is one of the results. To make the parallel more perfect, there is yourself, who first fought with the Spaniards and then turned independent; now helping French intervention, then opposing it. I consider it the duty of every Mexican, however little love he may have for his country, to contend against the repetition of the error of 1821.

In conclusion, you say "your public conduct has never been governed by party motives," and that, "as a soldier, you have always occupied the post of duty."

It seems to me altogether unnecessary for me to dwell upon your antecedents, as nothing could be gained by the discussion. Your acts are indelibly consigned to history; and I

think I can assure you that no one who desires to hand down a spotless name to posterity would envy you some of your antecedents.

If any doubt remains about the good sense and correct judgment of the Mexican government in rejecting your services, you have dissipated it by declaring your intention of taking part in Mexican affairs, even against the resolution of the government of the republic. If you had that intention, your offer of services could certainly not have been in good faith.

If you acknowledge the President as the supreme chief of the nation, who is to direct the defence of the country, you ought to submit to his determination. If this is unjust or inconsiderate, the responsibility falls on him, and not on you; but, after knowing that he considers your presence in the republic as prejudicial to the cause of independence, if you insist upon entering the country, whether to join the unrepenting traitors, or to raise a new party, either act will be considered as unpatriotic and criminal.

You say "you have refrained from personal imputations of every kind, through respect while repeating those used so profusely by Mr. Lerdo de Tejada and myself."

I presume you do not mean by this that you could give mean motives of our conduct towards you. If this is so, it is certainly your duty to the nation to make the revelation. If it alludes solely to personalities, having no connection with public affairs, you have acted very prudently in not mentioning them.

In accordance with this principle, I too have refrained from everything not in direct connection with the acceptance of your services. However, I cannot but mention, in connection with this incident, that you would have spared much discredit to the good name of Mexico if you had never come to this country; for your conduct in New York, the facts your different lawsuits have brought to light, whether as plaintiff or defendant, and every other incident of your litigations, are of such a nature that they bring the blush to the cheeks of every man who has the least regard for the honor and good name of Mexico in other countries.

In various parts of your letter you attribute to me expressions made by Mr. Lerdo de Tejada; as when you say, "I accuse you of not offering your services to the republic when you thought intervention successful, and now, when it is about to expire, you offer your aid to the victors." In other places you assert what neither of us had said; for instance, speaking of the conservative party, you say, "I imagine you have an irresistible influence on it." I can find no such sentence in my letter to you, or anything that could authorize you to attribute it to me.

I have purposely refrained from taking any notice of what you say in regard to Mr. Lerdo de Tejada, as that gentleman is fully capable of answering you much better than I could, if he thought proper to do so.

In conclusion, I must inform you that this letter ends the discussion of your remarks in the note of the 5th; and if you do write me another letter, I hope you will excuse me from answering it, for I believe the continuation of this discussion can result in no good. Facts, in regard to doubtful points, will demonstrate who is right or who has come nearest to the truth.

I remain, sir, your most attentive and obedient servant,

M. ROMERO.

Señor Don ANTONIO LOPEZ DE SANTA ANNA, *New York City.*

No. 3.

[From the New York Times, June 29, 1866.]

The case of the alleged swindle on Santa Anna.—Argument of the motion to discharge the defendants from arrest.—Was there an attempt in this city to fit out an expedition against Maximilian?

SUPREME COURT—SPECIAL TERM, JUNE 28—BEFORE JUSTICE GROVER.

Wm. J. Taylor *et al.* vs. L. Martin Montgomery and A. H. Cañedo.—This case, some of the particulars of which have been already published, came up yesterday on a motion made by the defendants to be discharged from an order of arrest. The additional developments appear from the papers read on the argument by counsel on either side. Mr. Jerome Buck, for plaintiffs, appeared to oppose the motion, and Mr. P. Y. Cutler for the defendants. The defendants, it may be remarked, were, immediately after their arrest in this city, sent to Ludlow street jail, being unable to procure the necessary bail. Their counsel now makes the motion that they ought to be discharged for the reasons stated in the following papers, and from these the public will learn the cause of the arrest and the reasons why they are detained.

Wm. J. Taylor, plaintiff, being sworn, testifies that the cause of this action is as follows: Upon several occasions in the months of March and April, 1866, at the city of New York, the said Montgomery and Cañedo deceitfully and falsely represented to deponent that they, the said Montgomery and Cañedo, had been duly accredited and appointed the agents of one General D. A. L. de Santa Anna, then residing at the island of St. Thomas, West Indies, to

procure and purchase in the United States, for and on behalf of said Santa Anna, a large steamer, &c., and to deliver the same to said Santa Anna at said island of St. Thomas; and said Montgomery and Cañedo further exhibited and gave to deponent a written statement (drawn up by themselves) of the authorities and powers conferred on them by said Santa Anna, as his agents, which deponent has lost or mislaid, and which deponent alleges was in every respect false and deceitful, and offered with the intent to deceive this deponent. The said Montgomery and Cañedo deceitfully represented to deponent that, under the authority and power possessed by them as aforesaid, they wished to purchase a steamer belonging to him and others, called the Agnes, which they desired should be taken by him to the island of St. Thomas, and there delivered to one Phillips, the resident agent of said Santa Anna, and that then and there said Santa Anna would pay deponent the sum of one hundred thousand dollars in gold. Deponent, wholly relying on the false and fraudulent representations made by said Montgomery and Cañedo, entered into a written agreement with them, the provisions of which are as follows:

"This agreement, made and entered into on the 10th day of April, 1866, in the city of New York, by and between William J. Taylor, of Philadelphia, United States, managing owner of the steamer Agnes, party of the first part, and Louis M. Montgomery and Andrew H. Cañedo, both of the city of New York, agents for and in behalf of D. A. L. de Santa Anna, parties of the second part. Whereas, for the hereinafter named consideration, the parties of the first part have sold, and do hereby sell, the steamer Agnes, of Philadelphia, with all of her tackle, furniture, &c., to the said parties of the second part, for the sum of \$100,000 in gold, payable on her delivery to G. W. Phillips, merchant, in St. Thomas, for the use and benefit of parties of the second part; and it is agreed by the parties of the second part that they will well and truly pay or cause to be paid to the parties of the first part the sum of \$100,000 in gold on the arrival of said steamer in St. Thomas, or as soon thereafter as the transfer can be made; and in case of default of payment, they, parties of the second part, shall well and truly pay or cause to be paid to the parties of the first part the sum of \$20,000 in gold, in St. Thomas, as damages. And it is further agreed by the parties of the second part that they will pay or cause to be paid to the parties of the first part, for all surplus coal or stores that may remain on said steamer at the time of her transfer in St. Thomas, at the market rates in St. Thomas. And it is further agreed that the parties of the second part shall, in case of the discharge of the crew of said steamer in St. Thomas, pay to the parties of the first part the amount lawfully due said crew upon their discharge, less the amount due to them upon arrival in St. Thomas."

That said engagement was duly executed by the parties of the first and second parts, and delivered by said parties of the second part to this deponent, party of the first part. That in pursuance of said agreement, and relying upon the said statements and representations of said Montgomery and Cañedo, that they were the authorized agents of said Santa Anna to purchase a vessel for him, deponent furnished said steamer Agnes with the necessary officers, crew, engineers, provisions, coal, and stores, at great expense, to wit, \$15,000, and sailed for said island of St. Thomas on 14th April, 1866. That on the 24th of April, 1866, the said steamer and deponent arrived at said island, and, in pursuance of the contract aforesaid, made a tender of said steamer to said Phillips for said Santa Anna; the said Phillips tendered the same to said Santa Anna, who declined receiving said vessel, and denied that said Montgomery and Cañedo were ever his agents, nor were they authorized by him, or by any person, to purchase for him a vessel or anything else in the United States or elsewhere. That thereupon deponent returned with said steamer Agnes to the United States, and deponent has since ascertained that this denial of authority is true, and deponent states that the said Montgomery and Cañedo were not, and they knew they were not, at any time authorized to act on behalf of said Santa Anna, and their representations on that behalf were utterly false, and made by them to deceive deponent. That said deponent, through the false, deceitful representations of said Montgomery and Cañedo, was induced to pay out and expend the sum of \$15,000 in furnishing said ship as aforesaid, and in making said voyage to St. Thomas and the return to the United States. The said statements and representations of said Montgomery and Cañedo deponent has now discovered to be, and alleges to be, false in each and every particular, and they were so known to be to said Montgomery and Cañedo, and were used and held forth by them solely to deceive deponent and to induce deponent to enter into agreement aforesaid, and to incur the heavy expenditure hereinbefore mentioned. That by the fraudulent and deceitful practices of said Montgomery and Cañedo he has been damaged \$20,000, to recover which the action aforesaid is to be brought. And deponent finally says that he is informed and believes that said Montgomery and Cañedo are not residents of this State; that said Montgomery was late an officer in the confederate army and chief of staff of General Lee, and that Cañedo is a resident of Texas.

J. H. TAYLOR.

Affidavits were also made by several other parties, to wit, the defendants, Montgomery and Cañedo, Solon Dike, Thomas J. Rice, J. W. Robinson, in behalf of the motion.

Mr. Dike testified in substance that he had a conversation with Santa Anna, at the island of St. Thomas, in November last; that Santa Anna then told him that he was desirous of returning to Mexico to assist in driving out Maximilian and establishing a republic there,

but that an order was still in force prohibiting him from coming to the United States. If that order could be annulled, and he be allowed to cross the Rio Grande, he could, with the aid of 1,000 Americans, drive Maximilian out of the country. He also said that if deponent could help him he should be amply remunerated. On Mr. Dike's return to New York he communicated with Montgomery, and they agreed to work together in relation to the matter. Deponent further states that it was fully understood and agreed between Santa Anna and himself that he (Dike) should do all he could in the matter, and also get others to co-operate with him. Santa Anna delivered to him certain proclamations addressed to the Mexicans, which he desired to be distributed.

Andrew H. Canedo, one of the defendants, deposed that on or about the 5th of March last he attended a meeting at Mr. Mazuera's residence, No. 101 West Twentieth street, and that while there Mr. Montgomery and Mazuera produced letters from Santa Anna, which were read and interpreted by Mr. Baiz; and further, that Mazuera represented himself as the commissioner of Santa Anna, and had received ample powers to act as such, and that Baiz was in his confidence and would act for him; that Mazuera and Baiz expressed their desire to purchase a steamer for Santa Anna, for the purpose of bringing him to the United States; that it was arranged to purchase the steamer with Montgomery, the drafts to be drawn on Santa Anna for \$100,000, payable in gold. The deponent called on Mr. Baiz, who stated that he could represent Mr. Mazuera, and informed him that an arrangement had been made with a banking-house to negotiate said drafts on the commissioner, showing his authority, and that Mr. Baiz said he would have the commissioner at his office next day.

Deponent further saith that a Mr. Billerton assisted him in negotiating the drafts, and had also called on Mr. Baiz, and stated that one of the banking firm could speak Spanish, and would be pleased to see Mr. Mazuera and examine his authority as a commissioner, in strict confidence, and; if satisfactory, advance the money; that when he (Billerton) stated this to Baiz and Mazuera, they replied they did not wish to expose the authority, intimating thereby that the said powers were either to violate the neutrality law, or do some other illegal or unwarrantable act, which they desired that no other person should see or examine.

The following affidavit, made by General Santa Anna, was read by Mr. Buck in opposition to the motion to discharge:

CITY AND COUNTY OF NEW YORK, ss:

Antonio L. de Santa Anna being duly sworn, says: I am not acquainted with the parties to this action. I met Canedo on the 24th of April last at St. Thomas. I have never authorized Montgomery, Canedo, or anybody else to purchase a vessel for me. In the brief correspondence I have had with Montgomery and Canedo I never authorized Montgomery or Canedo to do anything for me, but, to the contrary, I wrote I never wanted their services; Montgomery and Canedo made offers to me of all sorts of impossible helps, and so foolish and exaggerated that they were the dreams of madmen, and I declined them all and peremptorily.

A. L. DE SANTA ANNA.

Sworn to before me this 27th day of June, 1866.

JOHN MCCLUSKY,
Commissioner of Deeds.

Mr. Buck also read several other affidavits, and some letters, which we have not space to print, all tending to show that the defendants had been guilty of gross fraud in the purchase of the steamer Agnes, for the sum of \$100,000 in gold, from the plaintiff, Taylor, on the pretence that they were regularly authorized agents of Santa Anna, and purchased the vessel for him and at his request.

At the conclusion of the argument all the papers in the case were handed up to the court. Decision reserved.

For plaintiff, Jerome Buck; for defendants, P. Y. Cutler, esq.

No. 4.

[From the New York Herald, July 17, 1866.]

SUPERIOR COURT—CHAMBERS—BEFORE JUDGE M'CUNN.

July 16.—Antonio Lopez de Santa Anna *vs.* Abraham Baiz and Jacob Baiz. An action was commenced on Saturday last in the superior court of this city, by General Antonio Lopez de Santa Anna against Abraham Baiz and Jacob Baiz, for the recovery of thirteen thousand dollars, the proceeds of four bills of exchange on London which had been left with A. Baiz & Co. to be sold, and the proceeds delivered to the owner of the bills. The firm of A. Baiz & Co., consisting of Abraham Baiz, and his son, Jacob Baiz, had been highly recommended to the general as men of integrity and responsibility; and thus highly recommended, the general was importuned by A. Baiz & Co. to allow them to sell his bills of exchange. This

firm, having made the sale and received thereon for the general about thirteen thousand dollars, suggested to him, when they were asked for the proceeds, that he leave the money in their hands, as it would be extremely unsafe, in view of the many burglaries being committed in the city, for him to keep so much money in his house. The general, deeming the suggestion an honest one, deferred drawing his money until a few days ago, when he sent his son to the house of A. Baiz & Co. to get the money. The firm thereupon refused to pay over the \$13,000, or any part of it, to General Santa Anna. On this state of facts, on Saturday last, an action was commenced by General Santa Anna, in the superior court of this city, against Abraham Baiz and Jacob Baiz, in which action Judge McCunn granted an order of arrest, directing that the defendants be arrested and held to bail in the sum of \$15,000. In pursuance of this order, the sheriff yesterday morning arrested Abraham Baiz and his son Jacob, and held them to answer in the above sum.

No. 5.

[From the New York Herald, July 18, 1866.]

To the Editor of the Herald:

We notice, among the law reports of your morning edition, a statement of the arrest of A. Baiz & Son, at the suit of General Santa Anna, springing out of certain drafts alleged to be placed in their hands. We suppose they owe this publicity to the fact that they have had business dealings with Santa Anna. But as the publication is but an *ex parte* statement, and reflects upon their mercantile standing and integrity, contrary to the course usually adopted by us not to notice such publications, we beg leave to state that, upon the trial of the action, Baiz & Son will show and maintain that General Santa Anna was largely indebted to them in an amount exceeding the amount of the drafts mentioned, and which he has recognized as correct, and promised to pay; and after crediting the proceeds of the drafts, there still remains a very considerable balance due to them.

BEEBE, DEAN & DONOHUE,
Attorneys for A. Baiz & Son.

NEW YORK, July 17, 1866.

No. 6.

[From the New York Herald, August 28, 1866.]

SANTA ANNA'S LITIGATIONS—SUPREME COURT—CHAMBERS—BEFORE JUDGE BARNARD.

An order of arrest against Señor Dario Mazuera — He is lodged in the Ludlow street jail.— Affidavit of General Santa Anna.— Interesting statements.— The plot thickening, &c.

Our readers no doubt remember the many accounts that have appeared in our columns lately in regard to the adventures of General Don Antonio Lopez de Santa Anna, growing out of the numerous suits and counter-suits that have been commenced in our courts of law. We are again called upon to chronicle another phase in the affair, his honor Judge Barnard having yesterday granted an order of arrest, at the suit of General Santa Anna, against his late private secretary, Señor Dario Mazuera, founded upon the following affidavit of the general:

Antonio Lopez de Santa Anna, being duly sworn, says that he is the plaintiff herein, and resides at No. 8 West Twenty-eighth street, New York; that the defendant is a resident of St. Thomas, West Indies, and is temporarily staying in this city; that prior to the 12th day of December, 1865, the defendant applied to the plaintiff at St. Thomas for permission to proceed to the United States in behalf of the interest of Mexico, as represented by the plaintiff, to confer with the government of the United States in reference to certain business connected with the interest of Mexico, stating and representing that he was able and competent to accomplish the transactions of said business, and did then and there importune the plaintiff to give him, said Mazuera, some paper writing accrediting him as a proper person to whom faith and confidence could be given; that on or about the 12th of December, 1865, the plaintiff did give said Mazuera a paper writing, whereby said Mazuera was permitted by the plaintiff to proceed to the United States and confer with the government thereof in relation to the business contemplated, but when said Mazuera arrived in the United States he did not make any effort to confer with the government thereof in behalf of the matters set forth in the said instrument given him by the plaintiff, as aforesaid, but, on the contrary, in violation of the power and authority conferred on him by the plaintiff, and intending to cheat and defraud this plaintiff, and in violation of the trust and confidence reposed in him by the

plaintiff, he, the said Dario Mazuera, and one Abraham Baiz, with the intent to cheat and defraud the plaintiff, did combine, confederate, and conspire together, at the city of New York, to deceive, cheat, and defraud, and did deceive, cheat, and defraud the plaintiff in the following manner, viz: On or about the 7th day of April, 1866, the said Baiz represented and pretended to be the owner of the steamship Georgia, lying at the port of New York, and as such pretended owner of said steamer, on or about the last day aforesaid, did fraudulently, deceitfully, and with the intent and design to cheat and defraud the plaintiff, make a pretended sale to him, and the said Dario Mazuera, well knowing that the said Baiz was not the owner of said steamship, did pretend to purchase of the said Baiz the said steamship Georgia, for and on account of this plaintiff, for the sum of \$250,000; whereupon the said Baiz executed and delivered to said Mazuera, as the pretended agent of said plaintiff, a bill of sale of said steamship, to be delivered to the plaintiff at St. Thomas, West Indies; and the said Mazuera, well knowing that Baiz was not the owner of said steamship, accepted from said Baiz the said bill of sale, and then and there delivered to said Baiz seventeen bills of exchange, to which the said Dario Mazuera fraudulently and without authority signed the name of the plaintiff; that said bills of exchange were drawn to the order of said Mazuera, and indorsed by him were delivered to said Baiz.

That in and by said pretended bill of sale it was stated, as a covenant of the plaintiff, that in case the bills of exchange should not be accepted at sight, and should be protested for non-acceptance, the said plaintiff would pay the said Baiz the sum of \$100,000 liquidating damages, and the said bills of exchange should remain in the hands of said Baiz as collateral security for the payment of said \$100,000. Deponent further says, that afterwards the said Baiz, with the knowledge and consent of the said Mazuera, did freight the said steamship at the port of New York, and proceeded to the port of St. Thomas, West Indies, where the plaintiff was then temporarily residing, and on their arrival the said Baiz called on this plaintiff and informed him of the said sale of the said steamship, and at the same time exhibited to the plaintiff the said bills of exchange, and desired the plaintiff to accept the same, whereupon the plaintiff informed said Baiz that the said Mazuera had no power or authority from the plaintiff to negotiate for or purchase the said steamship, or to sign any bills of exchange in the name of the plaintiff, and that he, the plaintiff, would not accept said steamship or ratify or confirm the said bill of sale.

Deponent further says that the said Baiz and Mazuera, still combining, conspiring, and confederating together to cheat and defraud this plaintiff, then and there stated and represented to the plaintiff that he, (Mazuera,) while in the United States, had succeeded in obtaining a loan from various parties in the United States, and from the government thereof, of \$30,000,000; that the same was to be increased to \$50,000,000, to be used in the interest of the Mexican people, and that \$30,000,000 was then on deposit in the city of New York, ready to be placed at the disposal of the plaintiff, to be used by him and those assisting him in behalf of the interests of the Mexican people, and at the same time exhibited to the plaintiff a letter purporting to have been written by Hon. Wm. H. Seward, Secretary of State at Washington, advising the plaintiff to come at once to the United States, and that the government thereof was ready, willing, and anxious to aid him in his efforts in behalf of the Mexican people, and that any assistance required by the plaintiff in that behalf would be furnished him by the government of the United States, and that he should lose no time in quitting St. Thomas for the United States for the purpose of immediately entering upon his undertaking.

Deponent further says that the said Baiz and Mazuera further represented that said steamer had been purchased for the interests of the Mexican people, and that the said bills of exchange could be paid from the fund or loan of thirty millions then on deposit as aforesaid, and that the plaintiff individually could not be responsible or incur any liability by accepting the said bills, and that if plaintiff refused to accept the said bill or ratify the said sale of said steamship, the said Baiz would be put to great expense, loss, and damage, and would be pecuniarily ruined; and deponent, believing the said representations of the said Baiz and Mazuera, and that the said sum of thirty millions was then on deposit in the city of New York as aforesaid, and believing the letter exhibited as aforesaid to be a true and genuine letter, the plaintiff accepted the said bills of exchange and delivered them to the said Baiz, conditioned that they should be paid from the said loan of thirty millions; that subsequently the said Baiz, with the knowledge and assent of the said Mazuera, stated and represented to the plaintiff that he (Baiz) had a payment to make at St. Thomas on account of the purchase of said steamship of \$40,000 in gold, and that he did not have the necessary means to meet said payment, and desired the plaintiff to let him have the said sum of \$40,000 to meet said payment, and that he would return the same when they arrived at New York; and believing said statement to be true, the plaintiff gave to the said Baiz certain notes made by parties in favor of plaintiff, payable in gold, and which were perfectly good, amounting in the aggregate to the sum of \$35,260, which the said Baiz accepted for the purpose aforesaid.

Deponent further says that subsequently the said Mazuera assisted in the freighting of said steamer for New York, and that plaintiff took passage on said steamer; that on his arrival, at the earnest solicitation of said Baiz, the plaintiff went to the house of said Baiz at Elizabethport, New Jersey, and remained there for nearly one month; that the said Baiz and Mazuera professed great friendship for the plaintiff, and often asserted and reiterated the statements and representations hereinbefore mentioned; but that just before the plaintiff left

the house of said Baiz he ascertained that said steamship did not belong to and was not owned by said Baiz, and that he had no power to sell or convey said steamship, and that he had no payment to make at St. Thomas of \$40,000; and that each and every statement made by said Baiz as to the purchase of said steamer were false and untrue, and were made with the knowledge and consent of said Mazuera, and were known by the said Mazuera to be false and untrue, and were made with the intent and design to deceive, cheat, and defraud this plaintiff; and that the statements of said Baiz and Mazuera that the defendant had obtained a loan of \$30,000,000, and that the same was then on deposit in the city of New York, were also false and untrue, and had no foundation in fact, but were made with the intent to induce the plaintiff to accept the said bills of exchange for the sum of \$250,000; that at the time the said loan was said to have been obtained not one shilling had been obtained or received by the defendant, as he had represented.

This deponent further says that the said letter exhibited by the defendant, purporting to have been written by the Hon. William H. Seward, was not a letter of the said William H. Seward at all, but written and concocted by the defendant and said Baiz, and that all the representations made by said defendant and Baiz were false and untrue, and that said letter was a forgery, and known by said defendants to be so.

Deponent further says that said Baiz and Mazuera, conspiring, combining, and confederating together, did charter the said steamship of Messrs. Williams & Guion, for the sum of \$10,000, to go to the port of St. Thomas, West Indies, and that said Baiz freighted said vessel under said charter, and proceeded with said vessel, accompanied by said Mazuera, to St. Thomas, where the said Mazuera falsely and fraudulently reported to various parties, other than the plaintiff, that the said Baiz was the owner of said steamer.

Deponent further says that said Baiz, from St. Thomas to New York, brought on said vessel a valuable freight, and, as the plaintiff is informed and believes, received for the freight of said steamship to and from St. Thomas, West Indies, upwards of \$15,000.

Deponent further says that the said Baiz admitted to the plaintiff, as did also the said Mazuera, that the said Baiz at St. Thomas paid to the captain of said steamer Georgia, as charter money and other expenses, the sum of \$13,000 and upwards, and that this sum was realized from a portion of the said notes of \$35,260 given said Baiz by the plaintiff at St. Thomas.

Deponent further says that when the said Baiz and Mazuera returned to New York they had in their possession the said bills of exchange for \$250,000 and the said notes of \$35,260, and being so in possession of said bills and notes, they delivered the said steamship to the owners, Messrs. Williams & Guion, at the city of New York, and also gave Messrs. Williams & Guion a portion of said bills of exchange, amounting to the sum of \$8,000; and that the said Williams & Guion, with a knowledge of the pretended sale of the said Georgia to the plaintiff, accepted and received from the said defendant the said bills of exchange; and that the defendant has surrendered to the plaintiff the balance of said bills of exchange, amounting to \$170,000, but still retains the notes, amounting to \$35,260; and that Messrs. Williams & Guion admitted to deponent that they had possession of said steamship, and were the owners thereof, and that they had received the said bills of exchange; and the plaintiff then requested that said bills be surrendered to him, which said Williams & Guion refused to do, except on condition that the plaintiff would give them his promissory note at ninety days for the sum of \$25,000 and collateral security for its payment, which plaintiff was compelled to, and did so; that all of the representations and statements of the said Mazuera and Baiz were false and untrue, and that plaintiff has sustained damages by reason thereof to the extent of at least \$70,000, and asks that the defendant may be arrested and dealt with according to law.

A. L. DE STA. ANNA.

Sworn to before me this 25th day of August, 1866.

ALFRED T. ACKERT, *Notary Public*.

The affidavit is very voluminous, but above we have given its principal features. Annexed to the affidavit is a supplemental statement by the general in regard to the card published in our columns a few days ago, wherein he fully exonerated Mr. Mazuera, the general now alleging that said statement was obtained from him under a misrepresentation of the facts of the case.

Mr. Mazuera was last evening arrested by Deputy Sheriff McGonegal, and in default of bail in the sum of \$30,000, committed to the Ludlow street jail.

THE MONTGOMERY SUIT.

August 27.—*Montgomery vs. Santa Anna.*—In this case an order of arrest was granted against defendant on application of plaintiff. The particulars of this suit have already been published in the Herald. A motion is now made to set aside the order of arrest, and the argument in the case has been set down for to-morrow at 12 o'clock.

No. 7.

[From the New York Herald, August 29, 1866.]

SANTA ANNA'S LITIGATIONS—SUPREME COURT, CHAMBERS—BEFORE JUDGE BARNARD.

The Montgomery Case.—Another postponement.

August 28.—*Montgomery vs. Santa Anna.*—This case was called on at twelve o'clock to-day for argument. A motion is now made to vacate the order of arrest issued some days since at the instance of the plaintiff against General Santa Anna on the ground that he was a non-resident of the State of New York. Montgomery makes a claim against the general for the modest sum of \$60,000 for services rendered as the alleged agent of Santa Anna. The general was required to give bail in the sum of \$75,000, which was afterwards reduced to \$30,000. Mr. H. Daily, counsel for General Santa Anna, now moves to vacate the order of arrest on the ground that the general never employed or authorized the employment of Montgomery in any manner whatever. The motion came on for hearing several days ago; but, on the application of Mr. Peter T. Cutler, counsel for Montgomery, it has been postponed from time to time until yesterday, when it came up again for argument. Mr. Cutler answered that he was not ready to proceed, and asked the court to allow the motion to stand over. Mr. Daily strenuously opposed the application for a further postponement of the matter, on the ground that General Santa Anna was very anxious to have the questions presented by this action reviewed by the court, and that he had in every instance been ready and anxious to proceed, but had invariably been met by a motion to postpone by the counsel for plaintiff.

The court finally set the matter down for hearing at ten o'clock on Saturday next.

No. 8.

STATEMENT FROM MAZUERA.

General Don Antonio Lopez de Santa Anna has published the following card:

"The undersigned would inform the public that Don Dario Mazuera has not held, nor does he now hold, any authority to engage in any way whatever the personal responsibility of the undersigned in any contract, note, or engagement whatsoever. Having been informed that said Don Dario Mazuera is attempting (in virtue of a commission intrusted to him for a purpose very distinct from that of making private contracts) to injure the undersigned, notice is hereby given that not only the invalidity of said acts will be maintained, but the undersigned will likewise assert his rights and have the full rigor of the laws extended to those who seek to injure and annoy him in so unwarrantable a manner.

"A. L. DE SANTA ANNA."

Much against my will I am forced to contradict—though I shall do so in a clear and succinct manner—the above assertions of General Santa Anna, by publishing herewith the full powers which he conferred on me at St. Thomas, under date of December 12, last year. I have, moreover, in my possession a letter in the same gentleman's own handwriting, which was delivered to me only a few hours before my departure from that island, and which treats of this same subject, and confirms the confidence which was reposed in me. I will not publish said letter because of its confidential and private character. If I have committed grave errors I have frankly avowed them, without attempting to escape the responsibility that fell upon me by reason of such errors; nor did I seek to cloak myself with a veil of hypocrisy, as has been done by others whom I may justly stigmatize as corrupt and depraved.

DARIO MAZUERA.

NEW YORK, August 24, 1866.

"Antonio Lopez de Santa Anna, general of division in the Mexican army, &c.:

"By these presents I give full powers to Colonel Don Dario Mazuera, (in whose talents and good character I have the greatest confidence,) in order that he may be enabled to develop all my ideas, thoughts, and desires before the government of the United States of America, concerning the aid of which I stand in need in order to be able to liberate my country from the yoke of her oppressors. The critical position in which the Mexican nation is at present placed demands that all her sons make extraordinary efforts and great sacrifices. Although exiled from my native soil through French tyranny, still I am anxious to do all in my power in order to prove to my fellow-countrymen that their misfortunes are not unheeded by me. Colonel Mazuera will understand how to set forth, with his habitual discretion, my reasons for having recourse to the government at Washington in order to obtain the aid which only that government can readily afford. The said Colonel Mazuera is fully authorized to make

agreement as to the guarantees requisite in order to secure the payment of whatever costs and expenses may be incurred for this aid, which I solicit with the most lively earnestness and ardor. The Mexican nation will in due time, through its legal organs, recognize this debt, and will pay it with religious exactitude, while its gratitude will be everlasting for the service thus rendered. But if, unfortunately, the government of the United States should refuse, from any motive whatever, to lend me its protection, in such case Colonel Mazuera shall endeavor to make an arrangement with some portion of the mercantile community of said nation for the recruiting of two or three thousand armed men, (after having first obtained permission from the local authorities,) as well as for the purchase of the vessels necessary to transport such a body of men to a point on the Mexican coast which I shall indicate in due time. Colonel Mazuera may show these instructions in such cases as he may find it advantageous to do so, seeing that he is my representative—my own person, in fact, in this affair with which he is intrusted. However, he is to bear in mind that he must bestow upon any Mexican soldiers that may be recruited the position for which they may be respectively fitted; for it would be very pleasing to me should such true patriots be brought to my ranks by extending to them any assistance that may be possible. I confide to Colonel Mazuera's discretion the subject of engaging in our favor some of the leading organs of the press, in order to secure the publication of suitable articles in favor of our enterprise, even though for this purpose it should become necessary to make pecuniary sacrifices. It shall be his duty to visit General Grant, in whose hands he will place the letter which he has received for that general, and shall endeavor to convince him of the advantage it would be to all of us who profess republican principles were he to contribute his powerful influence towards securing the patriotic object which I have in view. As Colonel Mazuera is sufficiently well informed, and understands thoroughly the important charge with which he is intrusted, I leave to his own deliberation the arrangement of many details which he will understand how to work out according as occasions present themselves, for I am inspired with this much confidence in the ability, honor, loyalty, and Americanism of said Señor Mazuera. For the reasons set forth above, I recognize, approve, and confirm as valid, from this moment, the acts which Señor Mazuera may perform while in the discharge of this mission, in order to secure the successful issue of the same.

"In testimony whereof I set my hand to these presents.

"Done at the island of St. Thomas this 12th day of December, 1865.

"A. L. DE SANTA ANNA."

No. 9.

[From the New York Herald, September 2, 1866.]

MORE OF SANTA ANNA'S LITIGATIONS.—SUPREME COURT—CHAMBERS—BEFORE JUDGE BARNARD.

The Montgomery Case.—Motion to vacate an order of arrest against Santa Anna.

September 1.—L. H. Montgomery vs. A. L. de Santa Anna.—Plaintiff in this case claims to have acted as the agent of General Santa Anna in the organization of an expedition to convert the Mexican empire and establish a republic instead. The authority for this agency he alleges to have received through Señor Dario Mazuera and Mr. Solon Dike, who claim to have been the directly accredited agents of Santa Anna for the same purposes. Mazuera is at present confined in the Ludlow street jail, under a suit instituted against him by the general for some \$50,000.

The material points in the affidavits and the statements on both sides have already been published in the Herald.

In the present suit Montgomery seeks to get \$25,000 for services rendered, and under this claim procured an order of arrest against the general, in which the latter was held to bail in the sum of \$30,000. A motion to vacate this order of arrest was made yesterday.

Mr. Peter T. Cutler appeared for plaintiff, and Mr. H. Daily for defendant.

Mr. Cutler opened the argument, and alluded to the character of the affidavits on the other side. The main question to be determined was upon the agency. Montgomery had produced evidence to show his agency in the matter, which facts were merely denied by Santa Anna, without producing contradictory evidence on each material point.

Judge Barnard. There is sufficient in the affidavits to issue an order of arrest.

Mr. Cutler contended that there was not sufficient in the affidavits of defendant to quash the order of arrest. Defendant had not furnished evidence denying any of plaintiff's assertions. There was nothing in the affidavits of his opponents which would authorize him to make a motion to discharge from arrest.

The court having decided to hear the case at length, Mr. Daily proceeded to read his affidavits in support of the motion to vacate the order of arrest. He read the affidavit of General Santa Anna, denying that he had given any authority whatever to Montgomery to act as his agent.

Judge Barnard. Does General Santa Anna speak the English language?

Mr. Daily. He does not.

Judge Barnard. Who translated these affidavits for him?

Mr. Daily gave the name of the translator. The gentleman then went on with his reading. The affidavit of Mazuera alleged that he had never at any time employed Montgomery under the authority given by Santa Anna to deponent. Several other affidavits were read, when Mr. Cutler followed in behalf of Montgomery.

Judge Barnard took all the papers in the case and reserved his decision.

No. 10.

[From the New York Times, September 5, 1866.]

STILL ANOTHER SUIT.—SANTA ANNA'S FATHER-IN-LAW ARRESTED.

An order of arrest was granted yesterday by Judge Barnard, of the supreme court, for the apprehension, in a civil suit, of Luis G. de Vidal y Rivas, father-in-law of General Santa Anna. The plaintiff in the action is Emelia Cuppia, owner of a boarding-house in East Forty-first street, this city, who alleges in her affidavits, on which the order of arrest was issued, that defendant, Rivas, is indebted to her in the sum of \$355 50, the balance of a board bill. It was furthermore stated that General Santa Anna and the defendant were about leaving this country for Mexico, and that the latter would take with him all his goods and effects; that there was great danger that plaintiff would lose the amount of her claim against him unless the court interfered and granted an order of arrest, holding him to bail in a sum sufficient to fully meet the demand.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, September 30, 1866.

MR. SECRETARY: I have the honor to transmit to you the English translation of a decree published in the *Moniteur Universel* of Paris, on the 13th instant, containing a so-called convention concluded on the 30th of July last, between the Emperor of the French and his agent in Mexico, Don Fernando Maximiliano José de Hapsburg. The decree contains the following dispositions:

1. The French agent in Mexico agrees to grant to France fifty per cent. of the returns of the gulf custom-houses of the Mexican republic, and twenty-five per cent. of those of the Pacific, that being the only disposable portion of the returns.

2. This appropriation is to pay the interest and to extinguish the loans contracted by Don Fernando de Hapsburg, and also to pay the three per cent. interest on the debt he supposes Mexico owes to France, which he estimates at two hundred and fifty millions of francs, more or less.

3. The duties now collected in the Mexican custom-houses shall not be changed so as to lessen the returns.

4. The duties shall be collected by French agents in Vera Cruz and Tampico, "and they shall be under the protection of the French flag." In all the other ports the respective custom-house accounts shall be indorsed by the French agents.

5. The French Emperor shall fix the term of office of the agents in Vera Cruz and Tampico, and shall take the necessary measures for their protection.

6. This new arrangement takes the place of the so-called convention of Miramar, of the 10th of April, 1864, *only in reference to financial concerns.*

If this arrangement would go no further from the Emperor Napoleon and his agents in Mexico I would have nothing to say about it, as I hold he has a right to dictate as he pleases to his subordinates; but as certain obligations are pre-

tended to be imposed on the Mexican nation by one who has no right to do it, I deem it my duty to make, respectfully, some remarks in relation to the arrangements, for the reconsideration of the government of the United States.

In the first place, I beg you to permit me to say, if any one really believes that Don Ferdinand Maximilian of Hapsburg is anything more than a French agent in Mexico, or, that the success of French intervention will do anything more than make Mexico a dependency of France, he will be undeceived by reading the so-called convention; for by it some of the principal rights of Mexican sovereignty, as the power of changing the tariff of imports and exports, and the collecting of them by their own agents, are intrusted to France.

It is generally understood that the French government has for some time desired to make the United States believe that Mexican intervention was an error, of which it has repented, and which it means to correct as soon as possible, but in such way as to keep up appearances and save itself from the contempt of its own subjects and of the whole world. With this idea it was to be hoped that the measures adopted would really bring about the result desired, so that the French government would be free from the complications and difficulties caused in Mexico by itself. But, so far from this being the case, it seems the so-called convention only increases the impediments for leaving Mexico, and gives rise to new and immediate perplexities. If the French Emperor has the right to make what arrangements he pleases with his agents, he certainly cannot think they will be binding on the nation whose name he invokes. The conventions that the Emperor makes with his agent, Don Fernando Maximilian, cannot bind Mexico any more than the orders transmitted to General Bazaine by the French minister of war. It is now time for the Emperor Napoleon to confess frankly that he has been routed in his war with Mexico, and should accept the consequences of his defeat. Every effort to conceal this will only increase the embarrassment of his position, and make his situation more ridiculous.

I know very well the friends of the Emperor Napoleon explain this conduct by his desire to save appearances in pretending to protect French credit, but without the intention of enforcing the convention. In my opinion this explanation is very far from being satisfactory. If it is now tried to prove that all is well for the French government in Mexico, I do not think the way to do it is to make agreements that everybody knows beforehand cannot be complied with, and if they are not fulfilled, as they concern "special agents, to be protected by the French flag," can only be another cause of discredit to the government of the Emperor Napoleon.

This explains why the convention is blamed by all those who wish to see France freed from the difficulties which its government has brought upon it in Mexico, as the accompanying extracts from various French papers will show.

In my opinion, the real object of the convention is to leave the seeds for other difficulties and complications, so as to have some excuse to remain in Mexico, in case the Emperor Napoleon sees fit to prolong his intervention and the occupation of the country beyond the time he promised the United States to withdraw from Mexico. As for the rest, if the convention has been made in good faith, what must we think of the sincerity of the Emperor of the French, when we see him deprive his agent of the only resources that enable him to live in the city of Mexico while the French army holds some portions of the Mexican republic?

As the convention mentions the loans negotiated by the French government for its agent, Don Fernando Maximilian, to oppress Mexico, I enclose some articles in regard to these loans, taken from English papers that cannot be considered friendly to the Mexican republic, nor even impartial, giving some idea of the fraud and deception with which they have been contracted, and of the distribution that has been made of them.

As to the two hundred and fifty millions of francs, the cost of the war that

France is now making upon Mexico, as it is notoriously unjust, with no other aim than to conquer the country, it cannot be imagined how the Emperor Napoleon can expect that Mexico will pay it. If he had been successful in his expedition, he would have had a rich colony; but as he has failed, he ought in justice to indemnify Mexico for the injury he has done her, instead of asking compensation for the expenses of a cruel and unjust war.

I am pleased to have this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[From *Le Moniteur Universel*, (official paper of the French empire,) Paris, Thursday, September 13, 1866.—No. 256, page 1.]

OFFICIAL.

Napoleon, by the grace of God and *the national will*, &c. Upon the report of our minister secretary of state for foreign affairs, we have decreed and do decree as follows:

ARTICLE I. A convention relating to the assignment to the French government of the customs receipts of Mexico having been signed at Mexico on the 30th of July, 1866, the said convention, whose tenor runs as under, having our sanction, will receive full and entire execution from the date of November, 1866.

CONVENTION.

His Majesty the Emperor of the French and his majesty the emperor of Mexico, animated by a desire to settle to *their mutual satisfaction* the financial questions pending between their governments, have resolved to conclude a convention with that object, and appoint for their plenipotentiaries—

His Majesty the Emperor of the French, M. Alphonse Dano, his envoy extraordinary and plenipotentiary at Mexico, &c.

His majesty the emperor of Mexico, M. Louis de Arroyo, under-secretary of state, &c.; who have agreed upon the following articles:

ARTICLE I. The Mexican government grants to the French government an assignment of one-half of the receipts of all the maritime customs of the empire arising from the under-mentioned duties:

Principal and special import and export duties upon all objects.

Additional duties of *internacion* and *contra-registre*.

The duty of *mejoras materiales* as soon as the said duty shall be freed from the assignment actually in force in favor of the Vera Cruz and Mexico Railway Company—an assignment which cannot be extended.

As the export duties of the custom-house on the Pacific coast are already pledged to the extent of three-fourths, the assignment now made in favor of the French government shall be limited to the twenty-five per cent. which remains unchanged.

ART. 2. The produce of the assignment stipulated in the foregoing article shall be applied: First, to the payment of the interest to the sinking fund, and of all the obligations arising out of the two loans contracted in 1864 and 1865 by the Mexican government. Second, to the payment of interest at the rate of three per cent. upon the sum of 216,000,000 francs, of which the Mexican government has acknowledged itself indebted by virtue of the convention of Miramar, and of all the sums subsequently advanced in any shape from the French treasury. The amount of this liability, (*créance*,) estimated now at the approximate sum of 250,000,000 francs, shall be hereafter fixed in definite manner. In the event of the amounts received being insufficient for the full payment of the charges above mentioned, the rights of the holders of bonds of the two loans and of the French government shall remain completely reserved.

ART. 3. The amount arising from the assignment of one-half of the produce of the Mexican customs shall increase proportionally with the augmentation of the receipts, and in case the amount should exceed the sum necessary to meet the charges specified in article one, the excess shall be applied in reduction of the capital sum due to the French government.

ART. 4. The quota of duties and the mode of levying them, at present in force, shall not undergo any modification which might have the effect of diminishing the product of the proportion assigned.

ART. 5. The collection of the duties assigned, as mentioned in article one, shall be performed at Vera Cruz and at Tampico by *special agents*, placed under the protection of the French

flag. All the duties received at these two custom-houses on account of the Mexican treasury shall be appropriated to the discharge of the French concession, with the sole reserve of any portion that may be the subject of any assignment now recognized, and of the payment of the salaries of the officers of those custom-houses. The amount of this latter expense, which shall include the remuneration allowed to the French agents, must not exceed five per cent. of the produce of the before-mentioned duties. A quarterly settlement of accounts shall set forth the amounts thus received by the French government and the product of the assigned duties in all the custom-houses of the empire. This settlement of accounts shall fix the sum to be immediately paid by the Mexican government to make up the amount of the revenue conceded in case there should be a deficiency, or the sum to be handed over to it should the sum received be in excess. In all the other ports than Vera Cruz and Tampico the French consular agents shall revise the accounts of the customs establishments in the ports where they are resident.

ART. 6. It shall be left to the discretion of the Emperor Napoleon III to fix the time during which the agents charged with levying these repayments shall be maintained at Tampico and Vera Cruz, as well as to define the measures which may be proper to insure their protection.

ART. 7. The arrangements above specified shall be submitted for approbation to the Emperor of the French, and shall become in force at a time fixed by his Majesty.

The convention signed at Miramar on April 10, 1864, shall from that time be abrogated on all points which relate to financial questions.

In faith of which the respective plenipotentiaries have signed the present convention, to which they have affixed their seals.

Made in duplicate at Mexico, the 30th of July, 1866.

ALPH. DANO.
LOUIS DE ARROYO.

ART. II. Our minister secretary of state for the home department, provisionally charged with the department of foreign affairs, is charged with the execution of the present decree.
NAPOLEON.

ST. CLOUD, September 12, 1866.

Seen and sealed with the seal of the state:

The Seal Keeper and Minister of Justice and Public Worship,

J. BAROCHE.

By the Emperor:

*The Minister of the Interior in charge ad interim
of the Department of Foreign Affairs,*

LA VALETTE.

No. 2.

[From *La Liberté*, Paris, September 14, 1866.]

THE LIQUIDATION.

A man must entertain very robust illusions not to be convinced that the monarchical experiment attempted by France in Mexico is rapidly approaching its *denouement*; and it may be truly said that the policy of intervention has never before exhibited so plainly the perils which it has created and the troubles which follow in its track. We went to Mexico to recover an insignificant debt; to-day Mexico owes us 250,000,000 francs, and we end where we should have begun, by taking possession of the customs.

We went to Mexico to protect the lives of our countrymen, as the names of eight Frenchmen who were assassinated were given. Now we are obliged to record—to say nothing of our soldiers killed—the murder of French residents at Saltillo, at Tampico, and on the road from Vera Cruz. We went to Mexico to support the claims of some French subjects; now these claimants complain of the enormous reductions which have been made in their demands, and of the non-payment of recognized indebtedness. Besides that, instead of a few claimants, we have before us a legion of holders of the two Mexican loans, who demand that we should reimburse them. We went to Mexico to found a stable government, and now that government, with assistance in money and men which none of its predecessors had, is unable to live without us. Deprived of its customs revenues, its only real resource, soon to be deprived of our material aid, the empire has no longer either money or men, and it has only to choose between a prompt abdication and the successive conquest of all its provinces by the dissidents, who, we have been so often told, were entirely beaten and exhausted. In such a situation, on the eve of the abdication of Maximilian, the adversaries of the Mexican expedition would be lacking in patriotism if they indulged in sterile and useless recriminations. At the same time the journals which have resting upon their conscience the aid imprudently given to an unfortunate enterprise will fail in their duty if they do not unite

with us in seeking the means of finishing as soon as possible with an affair which has cheated their hopes and gone contrary to all their calculations. Liquidation—that is what is desired, and it should be firmly desired without, however, indulging in chimeras. To expect that Mexico, which was unable to pay an insignificant sum due to France before the intervention, can now pay us two hundred and fifty millions, is to follow a chimera. Let us get rid of the idea. To expect that Maximilian can reign in Mexico without his customs revenues—that is to say, without a budget—is still to follow a chimera. Let us abandon it. To expect that any government succeeding to the empire will ratify the convention of the 26th of July, and that it can live without a budget, is to pursue a chimera. Let us not talk of it. We will put but one question: How are we to guarantee the existence of our countrymen against reprisals of the Juarists, placed outside the law by official proclamation, and the partisans of whom have been summarily shot? It would certainly be very much to be regretted that the holders of the Mexican loans should lose in whole or in part their investment in the Mexican lottery; but after all, these are only the chances of play. That those who have furnished it or its equivalent should lose the two hundred and fifty millions which Mexico owes us would be very sad; but after all, these were the expenses of an expedition which was approved by the deputies whom the contributors elected. What would be terrible would be the massacre of our countrymen who did not ask for intervention, and who, our army evacuating Mexico, would be left as hostages in the hands of the exasperated Juarists. Now, the only means of saving them, if they are menaced, as the French journals in Mexico unanimously say they are, is to place them under the guarantee of a treaty concluded between France and a national government. Does the government of Maximilian, who cannot even defend himself, present sufficient guarantees? Evidently not; and, besides, it has just taken away from itself the means of existence. There is no necessity of our occupying ourselves further with it.

There remain three republican chiefs—Santa Anna, Ortega, and Juarez. Can we treat with Santa Anna, the ancient head of the conservative party?

Overthrown by the liberal party, absent from Mexico for many years, Santa Anna no longer has any reputation. If his party, who demanded intervention, had possessed the slightest influence, Maximilian would have governed with men of that stamp, and need not have been obliged to seek for his ministers among the liberal party. The presidency of Santa Anna would be then an anti-national and ephemeral presidency, which would furnish us with no real guarantees.

Can we treat with Ortega? Why? What claim has General Ortega to the confidence of the Mexicans? What guarantee of stability would his government present? It would be that of Juarez without his popularity.

There remains, then, only Juarez. Say and think what we please about Juarez, it is none the less true, that in Mexico he is popular. The proof of this is that, notwithstanding our efforts, in spite of our excellent soldiers, he has held the field for four years. After the departure of Maximilian, his will be the sole constituted power. Why, then, can we not treat with him? Attaining power upon the ruins of the conservative party, Juarez has given proof of a firmness, a perseverance, which we must deplore, as it has been very unfortunate for the designs of France, but which, from his point of view, is very honorable. In a country where probity is an uncommon virtue, (we have never heard his probity attacked,) and after having decided upon the sale of the clerical property, he was the only one who did not profit by the operation to which this sale gave opportunity. Again, at the time when, during the siege of Puebla, the population of Mexico loudly demanded, at one time the massacre, at another the expulsion, of the French residents, it was he, and he alone, who saved our countrymen from death and ruin. France combated him with ardor as long as she believed in the duration of the empire. This was a duty, as it was necessary that it should defend the government which it had established. But the day when we recognize that the establishment of a monarchy in Mexico will demand too heavy sacrifices—the day when Maximilian disengages us by his abdication—what serious reason have we for not treating with the government of Juarez? That day our only duty will be to come to an understanding with the government which presents the most guarantees of continuation. Now what government offers more than that which has lasted four years, in spite of the intervention?

Let us then cast aside all secondary considerations, and if the empire is to fall, let us not hesitate to adopt the only reasonable course. This course, once adopted, we may be certain that we will obtain from Juarez all the desirable concessions; and, in any case, we will have assured the lives of our countrymen, whom Juarez alone is probably sufficiently influential to efficaciously protect.

The Patrie ought to be satisfied now with our explanations, and should not accuse them of being obscure. Will it tell us, in its turn, what it proposes to conciliate the necessity of evacuating Mexico, and the duty of protecting our countrymen? Let it speak plainly; but, after assuming the responsibility of the Mexican loan by rash eulogies, let it beware of assuming the much more serious responsibility now of events unanimously predicted by all the Mexican journals.

CLEMENT DUVERNOIS.

No. 3.

A well-informed journal, the *Moniteur*, publishes this morning the following note:

"By a decree of the 26th July, his majesty the emperor of Mexico has confided the portfolio of war to General Osmont, major general, chief of staff in the expeditionary corps, and the portfolio of finance to Mr. Friant, military intendant. The military duties of these two chiefs in service, attached to an army in the field, being incompatible with the responsibility of their new functions, they have not been authorized to accept them."

It is scarcely necessary to say that we approve of this resolution of the French government in the most complete manner. What will the *Patrie* think of it, when it said yesterday, speaking of General Castelnau's mission?

"We are certain General Castelnau's mission to Mexico relates to a new plan for reorganization, containing many civil and military reforms, to be applied in December next. The appointment of General Osmont as minister of war, and Mr. Friant, military intendant, as minister of finance, is only the starting point for this entirely new situation.

"According to the basis adopted for the Mexican army, that army, commanded chiefly by French officers, would not only serve to keep order and quiet in the country, but would be employed in directing the different civil and financial services, the employés being taken from the army. This system, lasting two or three years, would be economical to the treasury, as the salaries would be paid from the army fund, and peace and economy are what the people now need, above all things."

Our readers can judge from this what the informations and predictions of the *Patrie* are worth.

CLEMENT DUVERNOIS.

No. 4.

[From the *Opinion Nationale*, of September 15.]

THE CONVENTION WITH MEXICO.

The convention with Mexico, published in the *Moniteur* of yesterday, although signed by M. De La Valette, minister *ad interim*, has been in reality concluded by Mr. Drouyn de Lhuys, since on the 30th of July the latter had not yet resigned. This convention, we regret to say, seems to fall short of the object aimed at by the two governments, and contains elements of danger and complications to which we believe it to be our duty to call public attention.

The treaty concedes to France half the receipts of the custom-houses of the ports located on the gulf of Mexico, and a fourth in all the ports of the Pacific ocean. If the concession is but a fourth of the receipts in the harbors of the Pacific, it is because the other three-fourths are already mortgaged; so that the Mexican government will not get anything from these ports. It will not get much more in the gulf of Mexico, because if we are to receive fifty per cent., forty-nine per cent. being already conceded as a guarantee to the Spanish-English debt, there will remain one per cent., that is to say, the equivalent of nothing, to the Mexican government. Now the custom-houses having been the principal part of its revenue, the question occurs, what will the aforesaid government have to live upon hereafter? This, of course, is a question which we will not undertake to solve.

There is another circumstance worthy of notice. The convention allows us fifty per cent. of the produce of the custom-houses in the gulf of Mexico. Now, out of the three principal ports located on that gulf, Matamoras, Tampico, and Vera Cruz, two, Matamoras and Tampico, do not any longer belong to Maximilian. Tampico, especially, fell into the hands of the Juarists on the 1st of August, the day following the signature of the convention. Must we conquer it again?

If, as everything goes to show, Maximilian is compelled to abdicate, what will be the value of the present convention to the succeeding government?

But the point undoubtedly the most defective and dangerous of the treaty of the 30th of July is the disposition contained in article 5, stating that

"The collection of the duties mentioned in article 1 will be made at Vera Cruz and Tampico by special agents placed under the protection of the flag of France."

This arrangement alone would be sufficient to make us condemn the treaty. With this article nothing is ended. Vainly shall we have re-embarked our troops and brought them back to Europe. Our flag remains; that is to say, France is still engaged. Abandoning the soil of Mexico, we leave upon it the germ of our complications and perhaps a new expedition.

If Mexican agents had been intrusted with the collection, we would have run but one risk, the certainty of not being paid. This would certainly have been a misfortune, which was, however, susceptible of being appreciated, estimated, and reckoned.

But the position which is made for us by this treaty is far more serious, because it conceals a certain peril, unknown in its form, unlimited in its bearing.

Can, in fact, the position of the custom-house officers we shall leave in Vera Cruz and Tampico after the withdrawal of our troops be easily imagined? Who will protect them? Is it Maximilian? But if he could not keep Tampico, how will he protect the agents we will leave in that city?

And if Maximilian abdicates, will the government which will take its place, and which will find the exchequer empty, leave quietly the French custom-house officers to pocket half the revenue of the custom-house in virtue of an agreement they will have not signed nor acknowledged?

On the other hand, shall we permit our agents, placed under the protection of the French flag, to be insulted? Shall we allow the funds which belong to us in virtue of the convention of the 30th of July to be seized in their hands? But if we have no more troops in Mexico, how shall we protect them? After having recalled our army, shall we be compelled to send another?

All this, it must be seen, is perfectly impracticable; it is the rock of Sisyphus; it is the Danuid's hogshead; it is a vicious circle, in the midst of which we shall perpetually turn, imagining every day to put an end to an undertaking which we will be compelled to renew the next day.

We must have the courage to confront bad situations; the Mexican expedition is a bad business. The greatest want of France is not to economize upon the wrecks of the undertaking; it is to do away with it at once and forever, be the cost 500,000,000, 600,000,000, or 700,000,000; this is, in our eyes, a very small consideration when compared with the immense freedom of action which would follow a radical settlement. Our intervention in Mexico weighs heavily upon our European policy, and has raised clouds between the United States and us. Why? For what object? What do we hope to-day? Nothing, is it not? Well, let us end it once for all; and if we are withdrawing our soldiers, let us not leave in their stead our custom-house officers and, above all, our flag."

No. 5.

[From *La Patrie*, Paris, September, 1860.]

We have reason to believe that the mission of General Castelnau to Mexico is connected with the approaching realization of a thorough plan of reorganization. This plan embraces several administrative and military reforms, which are to be applied from the month of December. The nomination of General Osmont as minister of war, and that of the military intendant, M. Friant, as minister of finance, were only the point of departure of this new situation. According to the basis adopted for the Mexican army, this army, commanded in great part by French officers, will serve not only to maintain order and tranquillity in the country, but will be employed to direct the different administrative and financial services. The employés necessary to perform these services will be taken from it. This system, which will probably last two or three years, will have the advantage to produce notable economies to the treasury, since Mexico will have scarcely any expenses to bear excepting those of the support of its army, and it will respond to the most pressing needs of its population, who, before all, demand order and economy as the two benefits before which all other considerations ought to disappear. The organization of the new Mexican army, the base of the whole system, at the last date, was advancing rapidly. The number of voluntary enrolments was considerable, and had even permitted the dispensation of the conscription. When the army shall have been entirely formed it will take possession of the different services, and it is thought that this substitution can be made long before the departure of the last contingents of the French expeditionary corps. When General Castelnau will have regulated as French commissary the different questions in which our adhesion was considered necessary, he will return to Paris, where it is thought he will arrive in the early part of December. We are assured that Marshal Bazaine, who will no longer have a command in accordance with the high dignity with which he is clothed, will quit Mexico about the same time.

No. 6.

[Paris (September 13) correspondence of the *London Times*.]

MISSION OF GENERAL DE CASTELNAU TO MEXICO—DISSATISFACTION WITH MARSHAL BAZAINE.

General de Castelnau, one of the Emperor's aides-de-camp, left Paris on Tuesday night suddenly, and was to sail yesterday by the post boat from St. Nazaire to Vera Cruz. It is said that he carries an autograph letter from the Emperor Napoleon to the emperor Maximilian.

ian, and I believe it will prove that he also takes with him the recall of Marshal Bazaine, whose conduct in command of the French army in Mexico has of late not given satisfaction. He is accused of various shortcomings, among others of having caused the fall of Matamoros by neglecting to send the reinforcements repeatedly applied for by General Mejia. It is not that Mejia, but his brother, who has deserted to the Juarists. The loss of Tampico is another disaster discreditable to the commander-in-chief. The French portion of the garrison, only one hundred and seventy-five men, defended themselves so gallantly as to obtain terms of honorable capitulation, and marched out with arms, baggage, and drums beating. Their defence was favored by the arrival of three French men-of-war from Vera Cruz. Although of late people here have talked of the Mexican empire as nearly at its last gasp, in official circles this does not seem to be the tone, and hopes are cherished that it may yet survive and prosper. It is intended to have recourse to a thorough military organization of the country.

The native Mexican army is to be increased, it is said, to 50,000 men, and as it has been found from experience that nothing can be done with Mexican officers, who for the most part are incapable or undeserving of confidence, the army will be officered by Frenchmen. French officers are generally ready for anything that promises adventure and promotion, and applications to take service will not be wanting. Moreover, the functions of all the departments of the state will be confided to French military men; taxes, custom-house, administration of all kinds will be in their hands, and thus it is hoped to get the better of the corruption and sloth which have hitherto been the bane of the new empire. It remains to be seen how far all this is practicable and productive of good results. Most people will be surprised if either Maximilian or the French troops are in Mexico this time two years. Part of these troops are to be withdrawn next November, but the French government has reserved the right to keep 10,000 men there until November, 1868. Supposing Maximilian to remain on the throne, it is thought probable that a few thousand men will remain up to that time, but the French government would gladly, I suspect, withdraw them sooner did the consolidation of Maximilian's power permit of its being done without danger to his throne.

No. 7.

[From *La Liberté*, Paris, September 16, 1866]

BRAGGADOCIO.

The *Patrie* replies to the very calm article we produced day before yesterday, in a philippic of inexcusable violence. Instead of helping us to contrive some way to put an end to this unfortunate Mexican business, it attacks our patriotism, accuses us of taking the part of assassins and robbers, and desiring the defeat of our armies. Such abuse we despise, and we will merely say the mode of discussion is unworthy of a journalist who has any respect for his profession in the person of his colleagues. Cannot questions of public interest be discussed with moderation, and is it necessary to calumniate a man to refute his argument? Have we accused the *Patrie* of bad faith, during the four years it entertained its readers with the most dangerous illusions? Did we accuse it of evil intentions, when it persuaded the credulous to buy Mexican bonds, by publishing news that was contradicted the next day? No; we continued to sustain what we thought was right, and we did not say it was a want of patriotism to insist upon France's paying Maximilian's debts.

Now we will resume the subject under discussion.

The *Patrie* pretends to believe we want Juarez restored, when it knows it is not so. All we want is, for France to withdraw from Mexico as soon as possible, consistent with the safety of our countrymen, who are threatened with retaliation. That is what we wish and what we ask. For this reason we say, that if Maximilian decides to abdicate for want of funds or soldiers, the best thing we can do is to treat with Juarez. If the *Patrie* knows a better plan, let it be proposed; if it is good, we will advocate it. If the *Patrie* knows of any way to keep up the Mexican empire, after our troops quit, when its last financial resources were cut off by the convention of the 26th of July, let us hear of it.

If it knows of none, then it must admit with us that the empire is nearly over, and all that remains for Maximilian to do is to renounce the throne he was forced to take, and retire with dignity from an enterprise he did his best to carry out. If he makes this resolve he will be blameless, and history will relieve him from all responsibility. Does the *Patrie* want Maximilian to hold on to power, after our troops have left, and without men and without money, see his provinces taken from him, one by one, by the malcontents?

After Maximilian has left, with whom will France treat, if not with Juarez? Let the *Patrie* tell us.

What are the objections to our plan? The *Liberté* affirms (says the *Patrie*) that Juarez is popular, has kept up the war four years, and is the only constituted power.

If he is the only constituted power, where is this power? Where is the government that gives the best guarantee of durability?

That power fell with Puebla, and when Juarez's constitutional term as President expired.

The *Liberté* affirms that Juarez has kept the field for four years. Nobody will deny that. Has Juarez been driven out of Mexico once in these four years? Even now half the provinces are in his hands, and the republicans hold the power in all places where our troops are not stationed. Have they not retaken Matamoras and Tampico? Are they not at Medellin, only half an hour from Vera Cruz?

The *Liberté* says again that Juarez is popular. What audacity! Certainly Juarez must have some influence since he has kept unhappy men without bread and without shoes, fighting for four years against the best army in the world, braving privations, defeat, and death.

We said that Juarez would be the only constituted power to treat with after Maximilian's departure; let those who contradict us, show us some other. It is simply ridiculous for Mr. Dréolle to put the Mexican constitution against Juarez. Have there been any elections in Mexico since Juarez was elected? In every country in the world the holder of power keeps it till another is elected, particularly in revolutionary times.

The *Patrie*'s great argument is, that France cannot treat with Juarez because she has been fighting him for four years. Because France is at war with Juarez is the very reason why she should treat with him. Is it a rule we must not treat with those we fight? If it is, there is no end to wars, and Prussia would still be fighting Austria.

But, says the *Patrie*, Juarez is an agent for the United States. If the *Patrie* had read the history of the country before talking about it, it would know that the grants of provinces to the Americans were made by the conservative party, by Santa Anna, against the will of the liberals.

After encouraging the Mexican expedition, and urging France and its government to it, by echoing the false reports circulated by Mexicans in Paris, one ought to be more modest and more civil to those who are trying to repair the errors.

When one has upon his conscience so many counsels condemned by experience, he ought not to sit down in his office and forget that there are thousands of French in Mexico who did not ask for intervention, and who now run the risk of being massacred the day after our departure. Under pretext of a point of honor, we ought not to expose the fortunes and perhaps the lives of our unfortunate countrymen by imprudent advice.

What the *Patrie* calls discussion, is: substituting abuse for argument, accusing the intentions of its opponents instead of answering their questions, endangering the lives of people three thousand leagues off; and all for the pleasure of making a few high-sounding sentences. That is not politics; it is braggadocio.

CLEMENT DUVERNOIS.

No. 8.

AN ALTERNATIVE.

The *Presse* thus ends an article relative to the convention of the 26th of July:

"A contract has been made with the only regular authority that exists in Mexico. It is binding on the nation itself, irrevocable and finite. We need not doubt its execution, for, if the Mexicans are opposed to it, two French frigates will remind them of it."

We do not know if our honorable colleague is aware of it, but what he says is an open condemnation of the French expedition to Mexico.

If two French war vessels could compel the Mexicans to fulfil their engagements, why did France make war on them to enforce claims? a war that is not over yet!

If two frigates could not collect a trifling debt, that the single custom-house of Vera Cruz could have paid in a few months, how can they protect French agents in all the ports of Mexico for an indefinite period?

If the two frigates were sufficient, then the expedition was unnecessary; they can do no more good now than they could before; so we must give up the contract, or continue the expedition.

CLEMENT DUVERNOIS.

No. 9.

[From *La Liberté*, Paris, September 20, 1866.]

THE SITUATION IN MEXICO.

The *Patrie* believes in the future of Mexico; it has a right to do so, but that is not the question; the question is to know what France ought to do now to protect its citizens in Mexico.

Does the *Patrie* advise France to continue military intervention beyond the time fixed for its termination? If that is our colleague's opinion, why does he not speak it outright? Why doesn't he say plainly, France has not spent enough men and money; why does he not propose a new loan and more troops? In his disinterested tenderness for Mexico and its

government, why does he not advise France to risk a war with the United States, when its honor and its interests are against it?

If that is what the Patrie wants, why doesn't it have the courage to say so? But while it laments the decrease of our effective force in Mexico, why doesn't it blame the convention of the 26th July? Though France was not obliged to undertake the regeneration of Mexico, when it did undertake it, it should have carried it out. It should not hesitate in the efficacy of its plans, nor leave Mexico bankrupt.

On the other hand, does the Patrie want Mexico evacuated at the time fixed, and the convention of the 26th July executed? It must believe one of two things: either that the empire will survive intervention, or that it will not. If it believes the former, let it tell us by what kind of miracle that phenomenon is to be caused; let it show us the financial resources to support Mexico and pay its debts. We want no fine phrases; we want facts and figures!

If, on the contrary, the Patrie thinks Maximilian will abdicate, why doesn't it say so, and not deceive its readers? But, what does it propose when Maximilian abdicates? It will not treat with Juarez. We don't know why; but it will not, and that is enough. *Sit pro ratione voluntas*. Then, what does it want? what does it advise? Does it agree with the Epoque to cede Mexico to the United States? Does it propose to treat with Santa Anna, the representative of a broken-down party, or with Ortega, who is a second Juarez? It proposes nothing!

Again, Mr. Dréolle is certainly in jest when he says France cannot give up the Mexican job: and yet he advises evacuation, and declares the empire shall live, without saying how it shall live: and approves of the July convention that ruins the empire. On one occasion it praised the nomination of General Osmont as war minister, lauding it as a Franco-Mexican organization; and the next day, when the Moniteur announced that General Osmont was not authorized to accept a Mexican portfolio, it rubbed its hands and exclaimed, in an important air. "That's just what we told you yesterday!"

Now, the Patrie takes refuge behind Count Keratry, when we don't know what his singular articles in the Revue des Deux Mondes can have to do with the question in discussion.

What says our author who has lived in Mexico, not in palaces and garrisons, but in the ranks of Colonel Dupin's gallant band, called the *contra guerrilla*? He tells of the defects in the present government; he shows us the errors, neglects, hesitations, and precipitations that have ruined it. He knows more about it than all those who went to Mexico only to solicit grants, or obtain favors. The writer, who has lived everywhere, leading a rugged life with his heroic companions, mostly in the open air, marching from village to village after Juarists, and finding out what they were good for, after enumerating government mistakes, concludes by telling what might have been done, and what could yet be done. Not a word of discouragement falls from his pen! The empire can live by contracting its limits. Why should it seek to govern where even the vaunted republics did not rule? It can live by giving a place in the sunshine to the noble race of oppressed Indians; by ousting the bandits from their hiding-places, those lawless disciples of Juarez or of Santa Anna; and by suppressing the shameless representatives of an immoral clergy, who encourage anarchy so as to make their fortunes and ruin the country!

But what does all that prove? It shows the Mexican empire would live with plenty of money, a large army, and a firm policy, if it gave up one-third of the provinces left to it by the republic. And who denies that? Perhaps "those who went to Mexico to solicit grants or obtain favors."

But where are those concealed whom the Patrie seems to be acquainted with? Mr. Dréolle does not mention those famous claimants, the cause of the expedition, whose claims have been greatly reduced, and are not yet paid. Will he mention those encouragers of the loan, who pocketed large commissions, and whom he took under his disinterested protection? Will he mention all those who obtained favors without going to Mexico? Why doesn't he speak openly?

As to ourselves, we went to Mexico, but not to solicit grants or obtain favors; and we agree with Keratry, except in one particular. We think with him that Mexico is an admirable country, and that an empire might be established there; all that is wanting to this one is, money and independence! It does not lack the good will, nor the intelligence, nor the firmness. Money it never had, and it can do little with the thirty-four millions obtained from the two loans. It needs five hundred millions, and that was the sum we suggested before it was too late.

Independence! How could it be independent with an army over which it had no command? We proposed to give it an army.

Though Keratry's writings show Mexico to be a good country, deserving an empire, they do not prove that the present empire can live unsupported by France, nor do they prove that a succession is open and is to be settled.

One word more. The Patrie is astonished at our acrimony in blaming its mode of debate. Well may it be astonished, for its article to-day confirms us in our estimation of its severity, and we persist in saying editors ought not to accuse each other of dishonesty and want of patriotism when there is no occasion for it.

Reading Dréolle's articles suggested the above moral observations.

CLEMENT DUVERNOIS.

No. 10.

THE MEXICAN LOAN—OCTOBER COUPONS.

On the 5th of August, 1866, the *Moniteur* published a Mexican correspondence, ending with these lines :

"The convoy of the specie train of six hundred thousand dollars, to pay the dividends of the foreign debt, left Mexico on the 22d of June, and will be sent to Europe on the English packet which is to start on the 1st of July from Vera Cruz for Southampton."

The specie was then on the way, and the payment of the coupons was sure.

We find the following notice in the *Moniteur* of this morning :

"Mexican finance committee in Paris."

"The president of the Mexican finance committee in Paris informs the holders of Mexican bonds and obligations that as no funds for the arrears and coupons of the 1st October have been sent by the Mexican government, the payment is necessarily postponed. The president of the committee at the same time reminds the holders of Mexican obligations that a capital of thirty-four millions, according to contract, is deposited in the bank of deposits and consignments, at three per cent., to reimburse their expenditures.

"PARIS, September 18, 1866."

What does that mean? How is it that the Mexican committee does not mention the measures adopted by the government, as announced by the *Patrie*, for the consolation of its bondholders?

CLEMENT DUVERNOIS.

No. 11.

[From the *Patrie*, September 23.]

Why is the cabinet of the Tuileries morally responsible to the holders of Mexican stock? We will say why: 1. The legislative body heard one of its members, M. Corta, who was charged with an official mission to Mexico, and who, at the sitting of the 10th of April, 1865, drew the most reassuring picture of the financial situation and the resources of the new empire. 2. M. Rouher, minister of state, while disclaiming in most explicit language—we readily admit it—any special guarantee on the part of the government, declared at the same time that incontestable guarantees were attached to the loan then projected, and that France would not recall her troops from Mexico until she had accomplished her work and assured the complete pacification of the country. 3. Count de Germiny, senator, honorary governor of the Bank of France, was named president of the committee of Mexican finance, sitting at Paris. 4. When the loan was decided on, the minister of finance authorized the *comptoir d'escompte* to employ the agency of the receivers general for the distribution of the scrip in all the departments of France. Such are the facts, and we could mention others no less significant: for example, the sending to Mexico a counsellor of state, M. Langlais, charged to reorganize the finances of that country. Such, we repeat, are the facts which preceded, accompanied, and followed the issue of the Mexican loans. Those facts and those measures evidently influenced the public confidence and induced the subscribers to part with their money. Why should we not add that the French treasury has received the greatest portion of the funds arising from the loans, to cover itself for funds which Mexico owed to France on various accounts? Since, from motives which we have not now to analyze, the government has been induced to renounce a policy at first adopted by it, and which was the determinate cause of the success of the loans, the fact none the less remains that the declarations which it made, and the dispositions which it took, remain for the holders of Mexican stock. Those do not come and say to the French government at the moment when Mexico—from causes beyond her control, we are prepared to admit—fails in her engagements: "We are your creditors—we have your guarantee." In effect it is not so. But it must be allowed that the holders of Mexican securities will hardly forget that if the French government is not bound to them by a material guarantee, it is so by its moral acts.

No. 12.

[Paris (September 23) correspondence of the *London Daily News*.]

The latest device invented by the advocates of the Mexican bondholders for redeeming the "moral guarantee" of the French government without charge to the French budget—a task

about as practical as the search for the philosopher's stone—is the following: A bill is to be presented to the Corps Legislatif authorizing the government to advance funds for payment of interest of the debt, (as was done in the case of Greece,) the produce of the Mexican customs, secured by the convention of July, being assigned as security; and the collection of these customs being admitted to be uncertain, the 34,000,000 impounded to accumulate at compound interest for the purpose of paying off the capital of the Mexican debt in fifty years would be "such an ample collateral guarantee as to cover the French treasury against all risk of not being repaid its advances." It is obvious that the scheme is mere thimble-rigging. Whatever payments might be made to the bondholders under it would be taken out of their own money. No contract with the public was ever more positive than that these 34,000,000 should remain a sacred fund, untouched, to secure, in the very worst case, the repayment of the principal of the loan in fifty years. To touch that fund now for the purpose of preventing grumbling about the non-payment of dividends would be confiscation. Besides, the *Moniteur* insisted only two days ago, by way of consolation for the announced suspension of dividend, that this fund insured the safety of the capital. I cannot think any minister would have the face to present such a monstrous measure as the one suggested to the Corps Legislatif, after M. Rouher's explicit declaration, made to stop the mouths of the opposition deputies who objected to the encouragement given by the executive to the Mexican loan, that France would never in any way be either directly or indirectly liable. Remembering this, it is impossible to agree with the *Patrie* when it says to-day that, though the bondholders have no legal claim on France, they have an "equity." Not so; equity is all the other way, and should be steadily appealed to to protect the tax-payer. Nothing can be more "immoral" than the pretended "moral" guarantee.

No. 13.

THE MEXICAN LOAN.

The undersigned, José Hidalgo, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Mexico, and Count Carlos de Germiny, senator, appointed by his majesty the emperor Maximilian president of the treasury commission of Mexico in Paris, by a decree of the 10th of April, 1864—

Having examined the powers conferred the 26th November, 1864, by his majesty the emperor Maximilian, to Messrs. Corta, deputy in the Corps Legislatif; Barron, proprietor in Mexico; Bourdillon, a lawyer residing in Mexico; de Germiny, a senator, to contract a loan in Europe, their powers being countersigned by Don Joaquin Velazquez de Leon, his majesty's minister of state—

We have decided and do decide as follows:

ARTICLE 1. There shall be inscribed in the great book of the foreign debt of Mexico a first series of 500,000 obligations, of 500 francs each, yielding an annual interest of 30 francs, payable on the 1st of April and 1st of October of each year, making a nominal capital of 250 millions of francs. The emission of these titles shall be at the price of 340 francs for the first interest coupon which falls due the 1st of October, 1865.

The rest shall be issued as follows:

	Francs.
On subscribing 60 francs per obligation.....	60
From the 5th to the 15th June, 1865.....	80
From the 5th to the 15th August, 1865.....	50
From the 5th to the 15th October, 1865.....	50
From the 5th to the 15th December, 1865.....	50
From the 5th to the 15th February, 1866.....	50
Total.....	340

The coupon of 15 francs which falls due on the 1st of October shall be received in deduction from the entire fourth.

The holders shall have the privilege of discounting all the terms not due, at the rate of six per cent. profit per annum.

Subscribers not paying their instalments when due shall be charged an interest of ten per cent. per annum for delay.

ART. 2. The liquidation shall be effected every six months by lot. The drawing shall be made by the treasury commission of Mexico in Paris, on the 2d of January and 2d of July of each year, so that the reimbursements may be made, within three months at most, to those having a right to them.

The first drawing shall take place on the 2d of July, 1865. In each half-yearly drawing every obligation drawn shall be paid in the sum of 500,000 francs; every two obligations, 100,000 francs; every four obligations, 50,000 francs; every sixty obligations, 10,000 francs; a certain number, the sum of which shall be determined in the annexed table, 500 francs. In this manner the loan will be paid in fifty years.

ART. 3. The Mexican government shall appropriate fifty annuities of the value of 18,756 340, to pay the interest on this debt and to extinguish it.

ART. 4. There shall also be granted to subscribers to the loan a premium for the repayment of the capital first paid up, to be paid in fifty years.

For this purpose the Mexican government binds itself immediately to set aside a sum of seventeen millions of francs in the French three per cents.

These funds shall be deposited in the French bank of deposits and consignments, and the interest shall be added every three months, as a duty of the establishment.

In case these funds at the end of fifty years do not represent a sum sufficient to pay the premium of 340 francs to whom it is due, owing to the fall of French rentes, the Mexican government binds itself to make up the difference; and if there is an excess it shall belong to the Mexican government.

ART. 5. The present decision is made in duplicate, one to be deposited in the archives of the treasury commission of Mexico in Paris, the other to be sent to his majesty the emperor Maximilian.

Done in Paris, April 14, 1865.

JOSE HIDALGO.
CONDE CH. DE GERMINY.

No. 14.

[From the London News, August 10.]

AN ENGLISH OFFICIAL STATEMENT OF MAXIMILIAN'S FINANCES.

The sudden arrival of the empress of Mexico heightens the interest which so many Englishmen have reason to take in the affairs of that country. It is natural to suppose that the emperor Maximilian would not have permitted the partner of his throne to make a sudden voyage to Europe in the ordinary French mail steamer unless the business on which she came was extremely urgent. The empress Charlotte is no merely ornamental appendage of a court; she is a woman of courage and dignity, of capacious understanding and practical aptitude, formed in all respects to figure with distinction in the great world. She has had a full share of the responsibilities as well as the perils attending her husband's remarkable adventure in the New World; and now that that enterprise has reached its crisis, the public will not be far wrong in supposing that the emperor Maximilian, tired of the periphrasis of diplomacy, has permitted his other self to visit the distant source and centre of his power to learn at first hand what further aid he was to expect from the creator of his throne and empire. There can be no doubt that this was the wisest step he could take; if the truth is to be got at, the empress will find it. The Emperor of the French, however, may justly complain, if he will, for it is rather sharp practice to introduce feminine *nœud* and persistence into an affair so mysterious and sacred as diplomacy without a moment's warning. The empress left Mexico before the great events which have recently taken place in Germany could be known there. Unless the emperor Maximilian had better information than was accessible to the European public two months ago, he must have been expecting when he parted with the empress to hear soon that Marshal Benedek had chastised Prussian insolence in the neighborhood of Berlin. The empress would probably receive intelligence of the battle of Sadowa, though scarcely of its vast political consequences, on her way to Europe. She finds the Emperor Napoleon preoccupied with affairs compared with which the Mexican enterprise was a holiday diversion. No one in France now thinks of the laurels which Marshals Forey and Bazaine have gathered in the New World, and it is to be feared that the empress will not be able to dazzle Napoleon with prospects that will withdraw him from the cares that now crowd upon him in Europe. The empress of Mexico is a sensible woman, and will take in the situation at a glance. She will be able to judge for herself what are the chances of her husband receiving succor from Europe. The French army and the French treasury have been the reserve on which the emperor of Mexico has freely drawn for these two years. The empress will perceive that this is a crisis in which the imperial banker at Paris must in justice to himself draw together all his resources, close outstanding transactions, taking from his debtors whatever they are able to pay, but on no account parting with more. If the Mexican empire can stand when the French troops have been recalled, and supplies of French money have ceased to flow, well; if not, the empress will hardly find it worth while to make another voyage across the Atlantic.

The political, military, and financial condition of Mexico has been sketched with a masterly hand by the present French minister of foreign affairs in more than one despatch since the beginning of the year, and the facts constitute a full justification of the resolution announced by the French government to withdraw from its intervention in Mexico. But there are certain results of that intervention which will remain after the final settlement of accounts between the two emperors, and which greatly concern the British creditor. At the beginning

of the year Mr. Middleton, secretary of the British legation in Mexico, sent home an approximate estimate of the amount of the revenue and expenditure of the Mexican empire to be calculated on for the year 1866. We reprint it:

Revenue.

Maritime custom-houses.....	\$12,500,000
Internal custom-houses.....	5,200,000
Direct taxes upon property in town and country.....	1,200,000
Direct taxes upon commercial and industrial establishments.....	250,000
Mining duties.....	650,000
Stamped paper, post office and other miscellaneous taxes.....	1,000,000
Total.....	20,800,000

Expenditure.

Imperial house.....	\$1,740,000
Ministry of the imperial house.....	30,000
Ministry of state.....	340,000
Ministry of foreign affairs.....	290,000
Ministry of the interior.....	3,700,000
Ministry of justice.....	900,000
Ministry of public instruction.....	438,000
Ministry of war.....	12,970,000
Ministry of public works.....	1,626,000
Ministry of finance.....	3,400,000
Total.....	25,434,000

Mr. Middleton suggests that the customs revenue may produce a million dollars more than the amount stated above; but when he expressed that opinion he did not know that the French occupation, which had given such an impulse to consumption and importation, was about to cease. On the other hand, he points out that the cost of the French contingent is not included in the estimate. He observes, moreover, that "owing to the little progress being made in the pacification of the country," the amount set down for military expenditure will not prove sufficient. The charges of the public debt remain to be added. They are as follows:

Public debt.

Interest and sinking fund on British convention.....	\$750,000
Interest and sinking fund on Padre Moran convention.....	150,000
Interest and sinking fund on Spanish convention.....	450,000
Interest and sinking fund on the internal debt.....	1,200,000
The government estimate of interest payable on the Mexican stocks in London, including the deferred bonds, and on the amounts of the Miramar and Paris loans, is calculated at.....	10,280,000
Unpaid balances on Laguna, Seca, and Guadalajara conductas, estimated at.....	\$12,830,000
Sundry recognized claims.....	265,000
Subvention to Vera Cruz railway.....	1,350,000
Total.....	14,595,000

The general result is thus stated by Middleton:

Total revenue.....	20,800,000
Imperial house and the different departments of state.....	\$25,434,000
Interest on public debt.....	14,595,000
	40,029,000
Total deficit.....	19,229,000

Here, then, we find the Mexican government, in the third year of the French expedition, with an annual deficit nearly equal in amount to the gross revenue. But this is not all. Since Mr. Middleton wrote, the French government has come to an agreement with that of the emperor Maximilian, under which the debt owing to France for the expenses incurred in setting up the emperor Maximilian's throne is taken at ten millions sterling, upon which sum

interest is to be paid at the rate of three per cent. So, then, it comes to this, that the French intervention, which was to have regenerated Mexico, but which, in fact, has merely intensified all the evils previously existing there, has saddled Mexico with an additional annual burden of two and a half millions sterling—a souvenir of the French occupation which the Mexicans will doubtless be careful to preserve.

No. 15.

[Correspondence of the London Times.]

THE MEXICAN LOAN.—HOW THE FRENCH FUNDS HAVE BEEN EMPLOYED.

PARIS, *Saturday, August 25, 1866.*

The holders of Mexican debentures are beginning to make some stir; they consider that the French government, who set them the example of confidence, and thus encouraged them to lend their money, is morally bound to bear them unharmed. Of the encouragement given by the government there is no doubt; and the consciousness that they may have to make good the unavoidable shortcomings of Mexico may be one of the reasons why the Emperor Napoleon is unable to give further financial assistance to that country. The grounds on which the creditors found their claims are obvious.

In April, 1864, the Archduke Maximilian took possession of the throne; and his first, or one of his first acts of sovereignty was to authorize a loan purporting to yield a revenue of near ten per cent. It was issued in Paris and in London; and the French government, with a view to inspire confidence in the solidity of its own work, took the new stock to the amount of 54,000,000 francs on account of its own claims on Mexico. In spite of this high patronage the loan did not succeed. In his report of 1865 the director of the credit mobilier said: "We have shrunk from no sacrifice to better the condition of our clients, but we regret to say that our efforts have brought us nothing but serious loss." Only a portion of the loan was realized, and the French treasury had, as security for its advances, stock completely unproductive.

Twelve months later the necessities of the Mexican government grew so pressing that indispensable military operations could not be continued vigorously. The emperor Maximilian was unable to raise money, and he naturally looked to France for help. The French government had only one of three things to do: to renounce the enterprise of founding a government in Mexico and recall its troops, to pledge the credit of France for the advantage of Mexico, or to give publicly such encouragement to a new loan as to insure its success. It chose the last as the least difficult and the least onerous. The illusions of the government were not dissipated, and whatever the majority of the legislative body may have thought individually, they seemed by their vote to partake them, and scouted the objections of the few who were well informed of the condition of Mexico as part of the systematic opposition. The condition of the loan, together with the lotteries, corresponded to an interest of 12 per cent. A week or ten days before the subscription opened a debate took place on Mexican affairs in the legislative body. A member of the house, M. Corta, who had been some time before sent to Mexico for the purpose of collecting exact information, completed his mission and returned. He was present in the house when the debate began, and he was requested to give his opinion. He did so. Nothing could be more reassuring than his account of the resources of the country, and of the future reserved for it under the new monarchical regime. The opposition, not convinced by this flattering description, expressed their doubts of its accuracy, but the minister of state, M. Rouher, finished with a few vigorous touches the sketch which M. Corta had drawn. The minister's speech was, like all his speeches, copious, earnest, and eloquent. He pictured the crowds of immigrants who were about to pour into Mexico, the numerous banks that were to be founded, the commercial and navigation companies that were only waiting to be formed, the great manufactures that were to be opened, the mines of gold and silver, of iron and of coal, that were to be worked; "and as for the finances of Mexico," he said, "has not the information just given us by M. Corta satisfied the chamber beyond the possibility of a doubt as to the resources of the country? Have no fear, gentlemen; the able administration of the emperor Maximilian will restore and secure real prosperity to the finances of the empire, and give undoubted guarantees to those who lend him their money." The majority of the chamber applauded. It is right to observe that the minister of state added: "There is here no question of the responsibility of the French government. France gives no guarantee, direct or indirect, in the matter of the Mexican loan." The minister could not have said less. Had he uttered only one word implying a positive guarantee of the French treasury, the debentures would have risen at once from 340 to 1,000 francs. The government desired and expected the success of the loan without the direct intervention of the treasury. A member of the opposition, M. Picard, objected: "The subscribers have already lost 20 per cent. on the first loan, and you speak now of a second;" to which the minister replied:

"You are thinking of the loan about to be made, and certainly if the holders who will

read your speech have confidence in your assertions, they will be slow to give their money. This mistrust, this distrust, the criticism expressed by an irresponsible person, which spread disquiet and alarm in the country, will be powerless and vain. Your words will not be listened to, and they who do not listen to them are perfectly right."

These words were again applauded vociferously.

The second loan was issued by the *comptoir d'escompte*, and the *comptoir d'escompte* is debarred by its statutes from opening subscriptions of the kind without the special authorization of the minister of finance. The receivers general throughout France were authorized by the minister, whose immediate subordinates they are, to receive subscriptions. The Mexican finance commission, under the presidency of M. de Germiny, senator, formerly minister of finance, and formerly governor of the Bank of France, took charge, at the instance of the government, of the funds collected and of the payment of the interest. A member of the council of state, M. Langlais, was sent by the government to Mexico for the purpose of introducing order in the Mexican finances. During the time the subscriptions were coming in, the confidence of the public was constantly kept up by the favorable accounts the *Moniteur* published every fortnight of the state of affairs in Mexico; and these accounts were regularly reproduced in the French papers.

The French treasury held, on account of its own claims, 54,000,000 francs in paper of the first loan; and it became necessary, with a view to reduce the floating debt, to realize that sum. The operation was not easy. Mexican credit was so low that the stock of the first issue, yielding more than 12 per cent. at that period, was not salable. The conversion of that stock, or *rentes*, into debentures, or obligations, with premiums and lotteries, was effected, and the minister of finance transferred his unproductive *rentes* into obligations. In his report to the Emperor, on the 20th of December last, he stated that he had utilized, "not without loss, the stock of which he had been the holder." The minister evidently thought that the new Mexican obligations which were thus thrown on the market were a safe investment.

From a statement published by M. Cochet it seems that the mode in which the funds raised for Mexico have been employed is as follows:

"The French government, in the first loan of 1864, received 6,600,000 francs of *rente* in payment of expenses incurred and to meet private claims.

	Francs.
"Of the portion offered to the public, in Paris and London, only 10,162,000 francs, of 6 per cent. <i>rente</i> , were negotiated, and produced.....	102,000,000
"The second loan, that of 1865, by the issue of 500,000 bonds, at 540 francs, produced.....	170,000,000
"Total	272,000,000
"The commissions, expenses, &c., amounted to.....	26,000,000
"The two loans, therefore, produced only.....	246,000,000

"From the net amount several sums were retained for different objects—for the reconstitution of the capital at the end of fifty years, for interest reserves, premiums, and lotteries, dividend due to Europe—forming a total sum of 212,000,000 francs, so that Mexico received only 34,000,000 francs of her loan. There remains at present in the French treasury 114,000 francs Mexican bonds not realized, 47,000 francs held in reserve for indemnities to be paid to French subjects, and about 83,000 francs, representing the portion of the first loan unconverted, and which remain in the hands of the Mexican commission. The number of bonds held by the public is, therefore, about 756,000 francs, distributed over 300,000 families. Those people it is who have alone provided the necessities of the French army, and who even aided in reimbursing certain English creditors."

The creditors, then, look to the French government, whom they consider to have morally guaranteed the Mexican loan by the *quasi* official character given to the subscription, for relief.

No. 16.

[From the *Messenger Franco-Américain*, New York, September 29, 1866.]

The Paris papers that copy the above document from the *Moniteur* add the following interesting remarks:

The *Liberté* asks what are the resources of Mexico to carry on the government, and says:

"According to documents furnished by the *Constitutionnel* a few weeks ago, the budget of receipts was fixed as follows:

"Custom-houses of the Gulf, 38 millions; of the Pacific, 15 millions; other sources, 42 millions; making a total of 95 millions.

"Mexico had already appropriated 75 per cent. of the Pacific revenues, and now gives 25

per cent.; therefore 15 millions must be deducted from the budget. In the second place, Mexico having given up 49 per cent. of the customs revenues to extinguish the English and Spanish debt, and now giving 50 per cent. of the same revenues, there remains but one per cent. on the Gulf custom-houses. The budget will then remain thus:

"Gulf customs, one per cent.	330,000
"Pacific customs.....	
"Other revenues.....	42,000,000
"Total	<u>42,380,000</u>

"Thus 42 millions is all the Mexican empire has to pay the internal debt with, to keep up the army, to endow public services and to pay the civil list.

"Where are these 42 millions except upon paper? We cannot tell; we think them problematical. Everybody will agree with us, then, in saying the Mexican empire cannot last, and that the convention of July is equivalent to abdication.

"On the other hand, what are the custom-house revenues now worth? As much as 38 millions in the Gulf? Perhaps so, if Tampico and Matamoras—two ports out of the three—were not in the hands of the rebels.

"And what will Maximilian's assignment be good for after the fall of the empire and the evacuation of Mexico by our troops?"

The Avenir National is alarmed to see the French flag engaged for an indefinite time in Mexico. It says:

"Who does not see that if the French remain in Mexico to secure the payment of interest and the extinguishment of the Mexican debt, they cannot quit when they please? It is not possible to preserve freedom of action, and measure the exercise of rights by the exigencies of its policy, curbed by the convention of the 30th of July, which is nothing less than the continuation of that great error called the Mexican expedition. Now France would like to quit, for fear of danger in that direction; and we think she would prefer to have, instead of the convention of the 30th July, some arrangement to incur a present sacrifice, to save greater ones in future."

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 5, 1866.

MR. SECRETARY: I have the honor to communicate to you, for the information of the government of the United States, the copy of a communication which I received to-day from General Regules, chief of the army of the centre of the Mexican republic, dated in Zitacuaro the 9th of August last, reporting his movements up to that date, and the conduct of the French forces in the State of Michoacan. I also enclose a copy of my answer to-day to General Regules.

I profit by this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

MEXICAN REPUBLIC, ARMY OF THE CENTRE—GENERAL-IN-CHIEF.

In a private despatch which I sent you on the 30th ultimo from the Tiripitio hacienda, I had the honor to inform you of the enemy's movement upon me, forcing me to evacuate Zitacuaro, his occupation and retirement, and my return on the 1st instant. I remained here till the 7th, when I determined to make a movement upon Anganguco, garrisoned by only four hundred traitors, but had to give up the idea because I heard that eight hundred French, on their way from Queretaro to Toluca by Morelia, had gone to San Felipe del Obraye to defend

it. And, in fact, the French did reach Anganguco yesterday, with about five hundred traitors picked up from the neighboring detachments, and to-day marched upon this place, which I regret to be obliged to give up once more, because I have neither sufficient forces nor munitions to defend it.

You will perhaps think it strange that I call your attention to such trivial circumstances, quite natural in our warfare, where the enemy is not only striving to defend places that I threaten, but is struggling in his turn to seize those that I hold; but you must know what I do is of great importance, when you consider that the expedition sent against me is mostly composed of French troops commanded by French officers.

When the French declared they had not come to Mexico to interfere with the internal affairs of the country, but only to force respect for treaties violated by the government of the republic, and to protect the interests of their fellow-citizens; and now, as that had been effected, they determined to withdraw their troops, considering the expedition at an end, I cannot understand how and with what right they continue to make war on people who are opposing the government of the usurper, Maximilian, and give aid to places occupied by traitors who sustain him.

Such outrageous conduct, without provocation, (for my forces have never yet attacked them,) compels me to make it known to you, because it shows the absolute want of loyalty in the French government, the meanness it makes use of to deceive the world, particularly the United States, to which you are accredited.

I hope, therefore, you will make a proper use of the facts I here communicate with the government at Washington and the supreme government of the republic, and will tell me, in your reply, what conduct I ought to pursue. In the mean time it is understood that I will continue to sustain the rights of Mexico against domestic or foreign foes on all occasions, except when I am certain of defeat.

I protest to you my attentive consideration.

Independence and liberty! Headquarters at Zitacuaro, August 9, 1866.

N. DE REGULES.

C. MATIAS ROMERO,

Minister Plenipotentiary of the Mexican Republic in Washington.

No. 2.

MEXICAN LEGATION OF THE UNITED STATES OF AMERICA, *Washington, October 5, 1866.*

I had the honor of receiving to-day your communication of the 9th of August last, from Zitacuaro, in which you inform me of the movements you had made up to that time with the forces under your command, and of the conduct of the French forces that were marching from Queretaro to Toluca, by way of Morelia, having fallen back from San Felipe del Obraje to Anganguco to aid a body of traitors in the latter place, which they heard you were going to attack.

This circumstance, and the French afterwards going from Anganguco to Zitacuaro to attack you, (after their government had assured the United States, as long ago as the 5th of April last, that it would return to the principle of non-intervention, and would withdraw its troops from the republic,) show that the French government has acted with notorious disloyalty, inasmuch as, while saying one thing in its diplomatic notes, it authorizes its soldiers to do the contrary.

For these reasons you request me to communicate the above facts to the government of the United States and to the supreme government of the republic, and to advise you how to act in view of the circumstances.

In reply, I have the honor to inform you that, in accordance with your wishes, and believing the nature of the case requires it, I this day transmit your note to the ministry of foreign relations of the republic and to the Department of State of the United States. Furthermore, I must inform you that, as the French government has made no engagement with ours to withdraw its troops, or to return to the principle of non-intervention, it is not bound to us, and we are under no obligations to it. The war between Mexico and France is the same, as it relates to us, as it was before the arrangement between the French government and the United States; and our duty now, as it always has been, is to continue the contest to the extent of our abilities, without trying to effect a truce with the French army, which, in reality, has no existence.

The engagements of the French government are with the United States and have nothing to do with our government; yet, as the government of the republic is on friendly terms with that of the United States, I think it would be, at least, an act of courtesy on our part to communicate to it all information we may have in regard to the course followed by the French in Mexico, with a view that it may make a proper use of such information in accordance with its sense of honor and its interest; but we have no right to demand anything of it.

I am sorry to say to you that I have not yet received the communication you mention* to have addressed to me from the hacienda of Tiripitio, on the 31st of July last. The previous one I received, before the one I am now answering, is dated Zitacuaro, the 12th of July.

For these reasons I repeat to you the assurance of my distinguished consideration.

M. ROMERO, *Secretary.*

C. General NICOLAS DE REGULES,
Chief of the Army of the Centre.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 6, 1866.

MR SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents specified in the accompanying index, which reached me to day, giving an account of recent events in the eastern military division of the Mexican republic, the principal of which is the occupation of Tlacotalpam, in the State of Vera Cruz, by the forces of General Garcia.

I take the occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States with the note of this date, in relation to events that have occurred on the eastern line.

No.	Date.	Contents.
	1866.	
1	July 28	Letter of General Diaz to Mr. Romero, giving an account of his last operations in the State of Oaxaca.
2	Sept. 20	Letter of General Garcia to Mr. Romero, enclosing the following documents:
3	Sept. 20	Letter from the same general to President Juarez, informing him of late events in the line of his command.
4	July 30	Official despatch from General Garcia to the minister of war, in Chihuahua, communicating the capture of Alvarado.
5	Sept. 8	Official despatch of General Garcia to the same department, on the occupation of Tlacotalpam.
6	Aug. 31	Proclamation of Colonel Teran, second in command on the line south of Vera Cruz, to the inhabitants of the State.

WASHINGTON, October 6, 1866.

IGNO. MARISCAL, *Secretary.*

No. 1.

HUAMUXTITLAN, July 28, 1866.

MUCH ESTEEMED FRIEND: Your letters of the 10th and 17th of June reached me at the same time.

After my letter from Quetzala, to which you refer, I wrote to you from Jamiltepec, informing you of my occupation of that place and of the advantage I gained over the enemy in pursuing him towards Oaxaca. I wrote you from Putla, on my arrival there, where I sur-

prised and routed 200 of the enemy. Four days afterwards I informed you of my march to Tlapaco, my entry into that city, pursuit of the garrison, and my sudden return here.

The most important event I mentioned to you was the complete rout of an Austrian column in the sierra, going south, by Figueroa. I have made no detailed official report of this to the supreme government, because the mails venture to carry only the smallest papers, and what I received I transmitted to you. I did not send an official despatch, because I had not received one, and I think it unnecessary now, after so long a time.

I have already informed you of what Figueroa wrote me, and, though you may have received my letter, I will repeat the most interesting.

On the battle-field at Soejaltepec we buried 96 dead bodies of Austrians. From there to Fejuacan we saw many dead, but the woods was so dense we could not count them. It was not Figueroa's soldiers, but the inhabitants, who pursued them and fought them in ambush, thus annoying them all along the road. The people even set fire to their houses, so as to deprive the enemy of all shelter. The most heroic of these were the inhabitants of Soejaltepec, Ixcatlan, and Ojitlan.

As to my future operations, they will be where there is most profit. It is hazardous to give you information now, on account of the insecurity of the roads; but I can assure you everything is going on much to my satisfaction.

Your friend and servant,

PORFIRIO DIAZ.

Minister Señor Don MATIAS ROMERO, *Washington*.

No. 2.

TLACOTALPAM, *September 20, 1866.*

DEAR SIR AND FRIEND:

It gives me much pleasure to learn, from your letter of the 22d June, that Santa Anna had failed in his secret intentions against this country. I have since received copies of the correspondence between the government, you, and him, by way of Vera Cruz, and had it published immediately.

Things have changed here wonderfully. We have reconquered this city, thanks to the valor and patriotism of the loyal Mexicans who are with me to make war on the enemy on this coast, as you will see by the correspondence I send you for transmission to the government, which I hope you will do after you read it.

The enemy has no place of refuge in this part of the country now but Alvarado, which is only kept by the gunboats; but the garrison is small, and it dreads an attack from us; and this we will do as soon as the health of our men permits, if the enemy does not evacuate the place soon, which it is said he will do very soon.

Your very obedient servant,

ALEJANDRO GARCIA.

Minister Señor Don MATIAS ROMERO, *Washington*.

No. 3.

TLACOTALPAM, *September 20, 1866.*

DEAR SIR: When I frankly told you in one of my former communications of the desperate state of affairs in the line of my command, on account of the enemy's invasion in March last, and of other disturbances north and south of it, I assured you that, notwithstanding our want of arms, we would not falter a moment in the national defence, neither I nor any of the patriots who accompany me on the campaign, with so much abnegation and suffering; and now I have the satisfaction to inform you that the aspect of affairs has completely changed, thanks to the prodigious efforts of the good Mexicans who have saved the situation in this part of the country.

The invaders well know that the possession of this city, the natural key to the region watered by the Papalodam, San Juan, and Tereschoacan, with their many tributaries, was a matter of life or death with them; and they collected all their troops and elements of defence at this point, and their allies, the French, brought up their war steamers to defend them. For this reason it attracted our particular attention, and we determined to make it the object of our attack.

On the 10th of August, taking advantage of the absence of the steamers, we attacked the place formally, the detailed report of which I send to the war department and to General Diaz. As you will see by the document, though we could not get possession of the city that day, we frightened the enemy, and convinced him that he could not resist another attack from us, and when we prepared to make it the city was surrendered, on the 10th of August, as you will see by the despatch which I also send this day to the war department, and which I have already sent to General Diaz.

By the occupation of this place the enemy is free from this coast, and, judging from the condition of the so-called empire, I do not think he will be able to recover it very soon.

While in the city, General Ignacio A. Alatorre, who escaped from the French in the city of Mexico, where he was held prisoner, presented himself to me, and I was glad to appoint him again chief of the northern part of the State, where he had formerly rendered such important services, and where he has already started with a small force, arms, munitions, and money, which I furnished him for the expedition. I expect he will do much good, for General Alatorre is a chief justly famous on that line. I hear the imperialists have suffered some damage in Zacapoastla and Tezirytlán. There is no news from Chiapas; the organization of forces is complete there. It is the same in Tabasco, for the French vessels do not call there, and their garrison in Jonutá is of no use to them; on the contrary, the soldiers are deserting, and these deserters furnish us with arms and ammunition in that region.

General Díaz wrote to me from Chinautla on the 19th, and says he has progressed considerably. He is acquainted with all the movements of our forces, even those near the city of Mexico.

Your very attentive and obedient servant,

ALEJANDRO GARCIA.

Señor Don BENITO JUAREZ,
President of the Mexican Republic, Chihuahua.

No. 4.

MEXICAN REPUBLIC—HEADQUARTERS EASTERN LINE—SECOND GENERAL-IN-CHIEF.

CITIZEN MINISTER: Captain Thomas Lozano sends me the following good news from Alvarado:

"I have the honor to inform you that we captured Alvarado to-day by assault, all the munitions of war belonging to the garrison falling into our hands, with seventeen prisoners of war and seven killed of the enemy. I have ordered the authorities to bury them. On our side, we have to lament the death of the brave Captain Pilar Salas, several officers wounded, and the loss of several of our best horses. I will make out a circumstantial report as soon as I can obtain the necessary information."

Which I have the honor to transcribe for your information and the satisfaction of the government.

Independence and liberty! Amatlan, July 30, 1866.

ALEJANDRO GARCIA.

The MINISTER OF WAR, *Chihuahua.*

No. 5.

MEXICAN REPUBLIC—HEADQUARTERS EASTERN LINE—SECOND GENERAL-IN-CHIEF.

CITIZEN MINISTER: On the 18th of August I wrote to General Porfirio Díaz, chief of the eastern line, as follows:

"You will see in the accompanying report that I ordered an attack on Tlacotalpam, in possession of the imperialists, and harmed the enemy so much in the first assault I knew we could not fail. Convinced of this, I arranged a second attack, when the imperialist commander, Don Mariano Camacho, proposed a parley with me. After a conference of some time, he offered to surrender the city to me to-day, if I would consent to his quiet withdrawal. He stated his object was to avoid all bloodshed, for the commander of the four French war steamers declared he would shell the town and reduce it to ashes if one of the imperialists was wounded; and the marines were anxious for an excuse to carry out their barbarous design.

"Convinced that it is my duty to spare the inhabitants and permit those to return who have left, wandering in the woods for four months, exposed to the inclemency of the weather and sickness rather than submit to the enemy; appreciating the valor and determination of our troops, and the bravery of the Conejo garrison that frightened the French, and believing that Camacho's proposal was honorable to the nation, I accepted it yesterday, and the city was surrendered to me this day. I immediately sent in a guard to protect the inhabitants, and now the city is once more under the protection of the glorious flag of the republic, of which it has been deprived for so long a time. I also have the pleasure of rejoicing with you and all loyal Mexicans upon the reconquest of a place of so much importance on this line."

Which I have the honor to transcribe for the information of the President of the republic. I am pleased to assure you that peace has been restored on this line by the recapture of Tlacotalpam, and that I am busy organizing a government for the State.

Independence and liberty! Tlacotalpam, September 8, 1866.

ALEJANDRO GARCIA.

The Citizen MINISTER OF WAR AND MARINE, *Chihuahua.*

No. 6.

PROCLAMATION.

Colonel Luis Mier y Teran to the inhabitants along the coast of Vera Cruz.

FELLOW-CITIZENS: The undersigned having been appointed to duty on this coast as second in command, he therefore appears here for the purpose of opening a campaign, acting under the orders of General C. Ignacio Alatorre, an officer who is well known to you for his skill and brilliant qualities.

The last knell for the so-called empire which has tried to fasten itself upon the Mexican nation has been sounded. Unable to remain a cold spectator at this time, I have taken the field against that empire. To this end I have abandoned family and business interests. I have abandoned everything which is dear to a man after this love of country. I intend to continue fighting in my country's defence, and, that we may be successful, I ask—indeed I count upon—the co-operation of all good Mexicans. I feel confident that all such Mexicans will aid me—some with their arms, others with their intelligence—and all to defeat tyranny.

Come, then, my friends. Already you know who I am, and you know that I will do only that which is right, and nothing but what is for the restoration to our country of independence and liberty.

LUIS MIER Y TERAN.

● ANTIGUA, August 31, 1866.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, October 8, 1866.

Mr. SECRETARY: Referring to the note which I addressed to your department on the 3d of May last, relating to certain duties collected at Acapulco from citizens of the United States by General Don Diego Alvarez, governor of the State of Guerrero, I have now the honor to remit to you a copy of a note from Mr. Lerdo de Tejada, minister for foreign relations of the Mexican republic, dated at Chihuahua, the 6th September last, marked No. 428, with which a copy was sent me of a communication from the minister of finance and public credit of the same date, transcribing a despatch from General Alvarez, dated the 1st June last, in which he expresses the reasons for which he thinks it necessary to reserve, until the port of Acapulco may be evacuated by the enemy, the report required from him on that incident.

I gladly avail myself of this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

No. 428.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT,

Chihuahua, September 6, 1866.

I send you a copy annexed of a communication from the minister of finance of this date, in which he transcribes that which was addressed to him on the 1st June by the governor of the State of Guerrero, setting before him the reasons why he thought it necessary to reserve, until the port of Acapulco was unoccupied by the enemy, the report called for from him respecting the exaction from some American citizens of payment of duties of customs which they had already paid to the French commanders during their anterior stay at that port.

Please give account of this communication to the Hon. Mr. Seward; in it the circumstances are indicated which delayed the information sought for.

I express to you my most respectful consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

Envoy Extraordinary and Minister of the Mexican Republic.

No. 2.

[Translation.]

DEPARTMENT OF FINANCE AND PUBLIC CREDIT.

Chihuahua, September 6, 1866.

The governor and military commander of the State of Guerrero says to me, under date of 1st June last, as I copy:

"Your despatch of 11th April is received, in which you request this government to report what was the cause of deciding that some American citizens should pay again the duties they had already satisfied with the French authorities during their stay in Acapulco. I have the honor to say, in reply, that as soon as that port may be left unoccupied by the enemy I will send the report in question, because it is not proper to the public service to send it now, because there is no security that the correspondence may reach the point intended, as perhaps it would fall into the enemy's hands, which I think it prudent to avoid, because there is in question a matter which may commit persons who are living there, which I transcribe to you for your information.

IGLESIAS.

The MINISTER OF FOREIGN RELATIONS.

A true copy:

JUAN VALDEZ, *Principal Officer.**Señor Romero to Mr. Seward.*

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,

Washington, October 10, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, various documents intercepted from the agents of the usurper Maximilian, all of them dated in Brussels the 17th of September, and signed by Felix Eloin, the so-called state counsellor in commission, which are as follows:

1. A letter addressed to the usurper, informing him that the French government disapproves of the appointment of the French Generals Osmont and Friant as ministers, and seems disposed to get rid of Maximilian; and advising him to appeal to the popular vote when the French forces are withdrawn from Mexico.

2. A telegram addressed to the same, to be forwarded immediately from New York, containing a synopsis of the letter.

3. A letter addressed to Don Juan Devincenties, so-called director of civil affairs in the private office of the usurper, in regard to his private interests.

4. A communication to Don N. Rosas, entitled consular agent of the empire of Mexico in New York, requesting him to send the mentioned letters to their address.

I think these documents of great importance, as they plainly show the state of relations between the French agent in Mexico and his chief, the Emperor Napoleon, and the plans of the former, in case the French army, or a portion of it, is withdrawn from Mexico.

M. Felix Eloin is a Belgian, who enjoyed the confidence of the late King Leopold, who bequeathed him to his son-in-law, Maximilian, when the latter left, seeking for adventures in Mexico, as a person of discretion whom he could trust, and whose advice might be of service. He has been looked upon in Mexico for some time as Maximilian's director. Not long ago he was sent to Europe to operate for the usurper, who is conscious that his stay in Mexico depends solely upon foreign support. The letter was written after his interview with Maximilian's wife at Miramar, and it is certain that its contents express the ideas of Doña Carlotta Leopoldina and those of her husband, rather than the writer's private opinions.

Taking this into consideration, I do not think it unreasonable to believe that M. Felix Eloin gives in his letter the desires, sentiments, and plans of his master, particularly when we reflect that he is one of those courtiers who tell their sovereigns only what will please them and what conforms to their wishes and aims.

From these premises I deduce the following facts :

1. The relations between the Emperor Napoleon and his agent Maximilian are not as cordial as the latter would like, because, it seems, the former is beginning to see the absurdity and impossibility of undertaking to establish an Austro-French monarchy in Mexico, and seems to be disposed to give up the idea, and this is not at all pleasing to the latter.

2. That Maximilian intends to remain in Mexico, even if the French army is withdrawn from the republic, and submit the question of his rule to the popular vote. This proves at the same time that even his friends and servants have little confidence in the validity of the titles with which he now pretends to govern, since they find it necessary to confirm them by an appeal to popular suffrage, when the people shall be free from the duress of foreign intervention, as he says in his own words.

3. That the usurper Maximilian, not satisfied with the calamities that his ambition has brought on Mexico, seeks to harm his own country by putting himself up as a rival of his brother, the Emperor of Austria. The allusions made to him on this subject by M. Felix Eloin would be taken as an insult by any other than Maximilian, and it is certain they would not have been made if the author was not certain they would be well received.

4. That even Maximilian's servants are despairing of his cause in Mexico, and only on account of his personal difficulties with the Emperor Napoleon, and to stand well in public opinion in Europe, and be qualified for a candidate to the throne of Austria, or any other in prospect, he is desired to take what is called a respectable departure, so as not to damage his reputation, and in a different way from that proposed by the Emperor Napoleon.

5. That even in the eyes of the own servants of Maximilian, the French agent in Mexico, French policy has been darkened by *odious acts* productive of *fatal consequences*, for which it must be responsible sooner or later.

In conclusion, what must we think of the good faith of the Emperor of the French, even towards those who serve him best, when we see him making promises of future aid, and suffering his Mexican agent to make ministers of his own soldiers, and tries to place the entire revenues of the country at his disposal, and just as this is done he disapproves the conduct of the French generals who accept portfolios from Maximilian, which was only doing openly what had been done secretly ever since the beginning of the intervention by every member of the French army, with the full consent and authority of the government?

Such are the considerations that have occurred to me in view of the documents which I now send you. Their authenticity and the importance of the subject are sufficient reasons, in my opinion, for submitting them to the serious consideration of the government of the United States.

Thinking you might look upon these documents from a different point of view than that which I have taken, and believing them to be of use to the government of the United States in the direction of its future policy in relation to the affairs of Mexico, I have concluded to send them to you in the original, just as I received them.

I am pleased to have this occasion of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO:

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

[Translation.]

BRUSSELS, 17th seventh month, 1866.

SIRE: The article from the *Moniteur Français*, disavowing the entrance on the administration of war and of finance by the two French generals, Osmont and Friant, proves that henceforth, and without a blush, the mask is cast aside. The mission of General Castelnau, aide-de-camp, and having the confidence of the Emperor, although secret, cannot have other object, in my opinion, than to seek to bring on a solution as soon as possible. To seek to explain its conduct, which history will pass upon, the French government would like that an abdication might precede the return of the army, and that thus it would be possible for it to act *alone*, to reorganize a new state of things, capable of assuring its interests and those of its countrymen. I have an internal conviction that your majesty would not give this satisfaction to a policy which must in the end, sooner or later, be answerable for the odium of its acts and the fatal consequences which will be the result. The speech of Seward, the toast to Romero, the attitude of the President, result of the cowardice of the French cabinet, are grave facts, destined to increase the difficulties and discourage the boldest. However, I have the deep conviction that to abandon the game before the return of the French army would be interpreted as an act of weakness, and the emperor holding his authority from a popular vote, it would be to the people of Mexico, *relieved from the pressure of a foreign intervention*, that he should take a new appeal. It is for him to demand the material and financial support indispensable to subsistence and growth.

If such appeal is not listened to, then his majesty, having accomplished his noble mission to its close, will return to Europe with all the prestige which accompanied him on his departure, and in the midst of important events, which will not fail to arise, will play the part which in all respects pertains to him.

Leaving Miramar on the 4th of this month, with the purpose of embarking at St. Nazaire, after having received the orders of her majesty the empress, I was constrained again to adjourn my departure. It needed that high influence to change a determination which my devotion counselled as the fulfilment of a duty.

I have been keenly disappointed in learning that my numerous despatches of the months of June and July had not reached your majesty in due season, put under cover to Bombelles, and accompanied by long letters written to that devoted friend, to be communicated to your majesty. I was far from anticipating his departure from Mexico. They have now lost all the interest which they derived from events so unforeseen, which then so rapidly succeeded each other. I regret above all this vexatious incident, if it should for a moment have awakened doubts in your majesty's mind of my unceasing desire faithfully to fulfil my duty.

By crossing through Austria I was able to ascertain the general discontent which reigns throughout. Nothing is yet done. The Emperor is *discouraged*; the people are fretful, and openly call for his abdication; sympathies with your majesty are spreading evidently through all the territory of the empire. In Venetia a whole party calls for you, its former governor. But when a government disposes of elections under the rule of universal suffrage it is easy to foresee the result.

The cholera rages through Europe with extreme violence, and everywhere makes numerous victims.

In accordance with the latest orders from your majesty, I have despatched by this courier a telegram in cipher to Rosas to advise your majesty of the arrival of General Castelnau, and of the disavowal given to Osmont and Friant.

I have learned through G—— that the doubtful attitude taken at Paris by 2146 was becoming every day more public. For some time he heaps consideration and money on young Salvador, who doesn't himself understand at all why this change is. I think it necessary to recall the young man to my side, while expecting the end of his holidays.

The state of the Emperor Napoleon's health engages seriously all Europe. His departure for Biarritz seems indefinitely postponed. Assurance is made that severe diabetes now complicates the inflammation of the bladder, which causes his suffering. As for her majesty, the empress Carlotta, in the midst of the flowers which make a garden of enchantment of Miramar, she shines in the full brilliancy of perfect health.

I have the honor to be, sire, your majesty's very humble, very devoted, and very faithful servant and subject,

F. ELOIN.

SIRE: The article of the French *Moniteur*, denying that the two French generals, Osmont and Friant, have permission to assume the departments of war and finance, proves that from this time the mask is shamelessly thrown aside. The mission of General Castelnau, aide-de-camp and confidential servant of the Emperor, although secret, can have no other aim, in my judgment, than to provoke a solution as soon as possible. With a view to explain its conduct, of which history must be the judge, the French government wishes that an abdication should precede the return of the army, and that thus it may be able to proceed *alone* to

reorganize a new state of affairs, capable of securing its own interests and those of its subjects. I have a firm conviction that your majesty will not give this satisfaction to a policy which must sooner or later answer for the odious character of its acts, and for the fatal consequences which must follow them. The speech of Seward, the toast to Romero,* the attitude of the President, results of the cowardice of the French cabinet, are grave facts, destined to increase the difficulties and to discourage the bravest. Nevertheless, I have a firm belief that the abandonment of the cause before the return of the French army would be interpreted as an act of weakness, and as the emperor holds his authority by a popular vote, it is to the Mexican people, freed from the pressure of a foreign intervention, that he should make a new appeal. It is from it that he must demand the material and financial support indispensable to the existence and increased greatness of the empire.

If this appeal should not be heard, then your majesty, having accomplished your noble mission to the very end, will return to Europe with all the prestige which accompanied you in your departure, and, in the midst of the important circumstances which cannot fail to arise, you will be able to play the role which by all considerations belongs to you.

Setting out for Miramar the 4th of this month, with the intention of embarking at St. Nazaire, after having received the orders of her majesty the empress, I was compelled to defer my departure again. It needed this high influence to change a determination which my devotion urged upon me as the accomplishment of a duty.

I was greatly disappointed upon learning that my numerous despatches of the months of June and July did not reach your majesty at the proper time, sent under cover to Bombellas, and accompanied by long letters written to that devoted friend, to be communicated to your majesty. I was far from foreseeing his departure from Mexico. They have lost to-day all the interest which they borrowed from the unexpected events which then followed so rapidly. I especially regret this unlucky incident if it has for one instant awakened in the mind of your majesty a doubt of my incessant desire to faithfully perform my duty.

In crossing Austria I was able to observe the general discontent which reigns there. Nothing is yet done. The Emperor is discouraged, the people impatient, and publicly demand his abdication. The sympathies for your majesty ostensibly extend all over the empire. In Venetia a whole party is anxious to proclaim its former governor. But when a government arranges the elections under the rule of universal suffrage it is easy to foresee the result.

The cholera rages all over Europe with extreme violence, and everywhere finds numerous victims.

In accordance with the last orders of your majesty, I send by this mail a telegram in cipher to Rosas, in order to warn your majesty of the arrival of General Castelnau, and of the disavowal given to Osmont and Friant.

I have learned by G—— that the doubtful attitude taken at Paris by 2146 becomes each day more public. For some time past he has loaded with favors and money young Salvador, who himself understands nothing of this change. I think it is necessary to take the young man back near me until the end of his vacation.

The state of the health of the Emperor N—— seriously disturbs all Europe. His departure for Biarritz seems indefinitely postponed. It is said that a severe diabetes now complicates the inflammation of the bladder from which he is suffering. As for her majesty the empress Carlotta, in the midst of her flowers, which make Miramar an enchanting garden, she shines in all the lustre of perfect health.

I have the honor to be, sire, your majesty's most humble, most devoted, and most faithful servant and subject,

F. ELOIN.

BRUSSELS, September 17, 1866.

No. 2.

1029, 1462, 1729, 1333, 1903; Osmont, Friant, 593, 163, 1395; Castelnau 593, 2920, 223, 1060, 1846, 1170; Lavalett 1635, 220, 176; De Moustier 1064, 1443, 942, 1225, 171, 1361, 192, 2146, 658, 371, 1965, 1608, 943, 1270, 590, 146, 1896, 103, 223, 2170, 1029, 715, 1296, 1997, 1785, 1205.

F. ELOIN.

His Majesty the EMPEROR, Mexico.

No. 3.

BRUSSELS, September 17, 1866.

MY DEAR DEVINCENTIES: I have received through Blain, with great pleasure, the details you send me about my private interests. I thank you for them very sincerely. I am glad to know that my horses do not consume my savings. If you can rent my house for \$140 I

* Almonte, Maximilian's minister at Paris.

shall be delighted, provided it leaves me the right to occupy some rooms in it at my return, which has been delayed only to follow the Empress's instructions. As for my part, I am very uneasy here. I long to return there and put myself under the orders of my sovereign, to take my small part in the difficulties which must soon break out. Continue, my dear friend, being devoted to our Emperor, and be sure that if, for the time being, he loses sight of you, he is not able to forget the devoted services you have rendered him. If you can give me details of the situation, I trust in your good friendship you will do it. Remember me kindly to Lambley and Sierra, and believe in my affectionate sentiments.

F. ELOIN.

No. 4.

[Translation.]

Mr. CONSUL: According to his Majesty's order I beg you, as soon as possible, to place the emperor Maximilian in possession of the telegram in cipher, hereto annexed. The orders of his Majesty are to despatch it telegraphically by way of New Orleans, Florida, and Havana, and thence by Vera Cruz, following the telegraph, to Mexico. As for the despatches herewith, please also to have them reach Vera Cruz by the readiest means.

Receive, Mr. Consular Agent, my cordial salutations.

F. ELOIN,
Counsellor of State on Service.

Mr. ROSAS,
Consular Agent of the Empire of Mexico at New York.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 12, 1866.

Mr. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents expressed in the accompanying index, some of which have lately come from Mexico, giving the state of affairs in that republic. I think proper to call your attention to the documents numbered 2, 4, and 6, where you will find that the French agents in Mexico continue organizing their companies of so-called Mexican chasseurs, with the soldiers and officers of the French army.

In documents marked 1 and 3 you will see that when the so-called government, created by the intervention, has occasion to select subaltern agents for any purpose whatever, it takes Frenchmen, as you may readily suppose; and yet the French government calls the state of things it has created in Mexico the national government.

It appears also from a circular of the French general, Friant, intendant-general of the expeditionary army, and appointed minister of finance for a short time by the usurper, that the sub-intendants of the French army were authorized by him to act as sub-intendants, inspectors, or controllers for the so-called empire.

I accept this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States with the note of this date, on the present state of affairs in Mexico.

No.	Date.	Contents.
	1866.	
1	July 18	Circular No. 190 of the minister of finance of the so-called empire, appointing various Frenchmen to direct the assessment of houses and lands for a direct tax.
2	July 8	Order of the day issued by the French general, Neigre, on the 29th of June last, incorporating the Belgian legion in Mexico with the ninth battalion of the so-called Mexican chasseurs.
3	Aug. 2	Circular of the French general, Friant, authorizing the sub-intendants of the French army to act as sub-intendants, inspectors, and controllers for the so-called empire.
4	Sept. 6	An official relation, from the war department of the so-called empire, of the military despatches issued from the 25th of August to the 5th of September, from which it appears that only French officers have been appointed to command the corps of Mexican chasseurs.
5	Sept. 10	Correspondence from the city of Mexico, with general notices of the situation.
6	Sept. 10	Correspondence from Vera Cruz, mentioning the enlistment of the greater part of the eighty-first of the French line into the corps of Mexican chasseurs.
7	Sept. 16	Speech of Maximilian at the anniversary meeting of the independence of Mexico, declaring he will not quit his post.
8	Sept. 27	Decree of Maximilian, ordering the confiscation of the property of the patriots who are fighting for the independence of Mexico.
9	Sept. 30	Letter from Vera Cruz, mentioning the return to Orizaba of the eighty-first of the line of the French army, that had gone to Vera Cruz to embark on the steamer Tampico.

No. 1.

[Circular 190.]

DEPARTMENT OF FINANCE,

Mexico, June 18, 1866.

His majesty the emperor has been pleased to suspend for the time being the appointment of director general of direct taxes, and in the mean time appoints that official as assessor of city and country property for the purpose of direct taxation, which he orders to be done throughout the empire, under the direction of the treasury inspectors, and according to the territorial division expressed below:

Mr. Le Maistre will direct the work in the department of the valley of Mexico, Tula, Toluca, Tulancingo, Iturbide, Queretaro, Jalisco, Autlan, Colima, Mazatlan, Matamoras, New Leon, and Coahuila.

A credit of \$15,000 is opened to defray the expenses of the assessment in these departments.

Mr. Delabanne will direct the work in the departments of Puebla, Tlaxcala, and Vera Cruz. For this expense a credit of \$1,500 is opened.

Mr. Thebault will direct in the department of Guanajuato; and a credit of \$2,000 is opened for the expenses.

Mr. Derenty will direct in the departments of Aguas Calientes, Zacatecas, and Fresnilla, at the expense of \$2,500.

Mr. Sauvalle will direct in the departments of Durango and San Luis Potosi, at an expense of \$1,500. These inspectors shall nominate controllers to act under their orders in the departments where they are appointed, who get their commissions from the treasury department, and receive a salary specified in their commissions.

The open credits will be paid to the orders of the chief inspectors, who are required to give an account of the sums they receive. This I make known to you for your information and consequent action, so that you may give the necessary aid to the persons appointed as it may be required.

E. VILLALVA,

Sub-secretary of Finance.

It was circulated among the civil prefects of the departments and imperial commissaries of the territorial divisions.

No. 2.

MEXICO, July 8, 1866.

A serious spell of sickness prevented me from writing to you by the last steamers, but you have lost nothing by waiting, for I have some important news to communicate. In the first place you must know that the Belgian legion, after a mutiny at Monterey, was disbanded and incorporated with the ninth battalion of Mexican hunters. This news, which caused a great sensation in Mexico—particularly in the Belgian colony—was followed by a report of the arrest of Colonel Vandersmissen, which turned out false.

As to the act of insubordination committed by our countrymen, many causes were given for it. The pretext was a delay of some weeks in pay, but dissatisfaction had prevailed for some time. The Belgians complain that none of the promises made them on their departure from Belgium have been kept. Some say the bounty money has never been paid them. The Tacambaro prisoners claim their back pay during the time of their captivity.

There was, in reality, no outbreak, but seditious words were uttered in the presence of the commander by angry men, ill paid, badly clothed, and, perhaps, excited by drink.

The order issued by General Neigre the next day, the 29th of June, fixes the future position of this Belgian corps:

"His majesty the emperor Maximilian has decided that the Belgian contingent as now organized shall be disbanded.

"A battalion of cazadores shall be formed of the elements that compose it, and shall be called battalion No. 9 of the empress's hunters. Soldiers that enlisted for six years will be compelled to remain in the service of the emperor of Mexico till the expiration of their term of service; and also those officers who were only soldiers at the time of their arrival, and not officers in the Belgian army. Those of them who wish to quit Mexico will be discharged, but will not be sent back nor indemnified by the Mexican government.

"The Mexican government will retain the officers in the same grade they had in the Belgian contingent as Mexican officers. Officers of the Belgian army who obtained a two years' leave from their government to serve in Mexico will be consulted personally to know if they wish a continuance of leave in order to serve in Mexico.

"Those wishing to remain will be put into the battalion of hunters; those who desire to return to Belgium will be sent to Mexico. As there will be no colonel in this new organization, Mr. Vandersmissen cannot belong to it; he must, therefore, present himself in Mexico and receive orders from his majesty the emperor.

"Marshal Bazaine orders General Douay to disband the body immediately and to proceed to its reorganization anew.

"B. NEIGRE,
General Commanding the Auxiliary Division.

No. 3.

[From La Sociedad —Mexico, August 28, 1866.]

TREASURY DIVISION.

The following was published in Zacatecas:

DEPARTMENT OF FINANCE—MILITARY SUB-INTENDANCY—TREASURY INSPECTOR OF THE
STATE OF GUANAJUATO.

LEON, August 2, 1866.

To the Citizen Prefect:

The military intendant, Mr. Friant, appointed minister of finance, charges me to send you the following despatch, which was received by telegraph:

"The minister of finance gives full power to sub-intendants or officers to perform the duties of sub-intendants, inspectors, and controllers in all the offices of finance, each in his respective department. The prefects will accredit these officers to the chief of the bureau.

"FRIANT, Minister of Finance."

Accept, Mr. Prefect, the assurances of my high consideration.

DAMARTIUS,
Military Sub-inspector of the Treasury in the Department of Guanajuato.

No. 4.

[From the *Diario del Imperio*, September 6, 1866.]

Official military despatches, War Department.—Despatches sent from this department between the 27th of August and the 5th instant.

APPOINTMENTS.

Luis Rovichon, sergeant of the French army, as assistant depositary for the first battalion of the line.

Sergeant Adrian Page, sub-instructor for the same corps.

Carlos Victor François, sergeant of the French army, as assistant treasurer for the twelfth of the line.

Carlos A. Coffer, of the same grade in the French army, as sub-instructor for the same corps.

Carlos A. Maunier, same rank, as assistant depositary for the same battalion.

Isidoro E. Breset, same rank in the French army, as assistant treasurer for the sixth battalion of the line.

Luis E. Trorey, of the same grade in the French army, as sub-instructor for the same corps.

For the first battalion of hunters—promotions.—Commander F. A. L. Desandr  to be lieutenant colonel; Captain Miguel V. Bellin to be battalion commander.

Second battalion.—Commander L. A. D. Chabrol to be lieutenant colonel, and Captain Gustave Badon to be battalion commander.

Third battalion.—Commander Carlos Leon Guillemain to be lieutenant colonel, and Captain Luis J. Lanes to be battalion commander.

Fourth battalion.—Commander Juan F. Herb  to be lieutenant colonel, and Captain Julio Bonet battalion commander.

Fifth battalion.—Commander Emile Layn to be lieutenant colonel, and Captain Juan S. Lanause commandant.

Sixth battalion.—Commander Leon Didier to be lieutenant colonel, and Captain Simon Sorlieu commandant.

Seventh battalion.—Commander P. L. Maurant to be lieutenant colonel, and Captain B. A. Povi l commandant.

Eighth battalion.—Commander Zacharias M. Festal to be lieutenant colonel; Sergeant Juan P. Forche sub-lieutenant of the battalion of the line; Sergeant Juan F. Jenni sub-lieutenant in the same corps; Francis Finelli and Pablo Fisian sub-lieutenants in the fourth battalion of hunters; and Captain Manuel Aviles, of the aids, to be captain of infantry.

No. 5.

CITY OF MEXICO, *Monday, September 10, 1866.*

Up to the present time Napoleon has not given any orders, either direct or indirect, countermanding the order for the evacuation of this country by his expeditionary corps.

Every idle rumor from Paris is construed into a favorable circumstance by the insignificantly small party of imperial Mexicans. Men like Se or Don Jos  Maria de Landa, who were directly instrumental in securing Napoleon's intervention in Mexican affairs, are very deeply interested in all the phases of Mexican politics. Such men fear—and they have publicly expressed their fears—that the return of the liberal or republican government will be the signal for the confiscation of their estates, and exiling them to some inhospitable portion of sterile Yucatan, where now so many patriotic liberals are banished to by the monarchical power temporarily residing at, and presiding over, the "halls of the Montezumas." A very large majority of the wealthy Mexicans who have been identified with the imperial farce during the last four years are realizing their property, preparatory to going abroad, and viewing the settlement that must shortly take place here from a secure and hospitable standpoint. Many have already gone.

No great emigration of the Mochos may be counted upon, for the adherents of the empire are very few, and have been growing less and less during the last twelve months.

There are not a dozen families of the capital that are avowed imperialists, and we allege, after much careful observation, that there are not twenty wealthy men of Mexico who would gather round Maximilian in an hour of trouble.

So destructive has been the policy pursued by the emperor while here that it is asserted there is not a merchant nor even a French dealer in the country (and there are thousands of French merchants and miners) who does not desire him to abdicate and evacuate the country.

NATIONAL BANKRUPTCY.—Commerce is paralyzed. The so-called government is a bankrupt usurpation, hourly threatened with overwhelming numbers of outraged patriots, who, though poorly clad, still more poorly armed, without pay or hope of reward, are gathering

round their chieftain's standard, to overwhelm and crush, with one powerful blow, the enemies of their country's liberties and sacred rights.

EXECUTIONS—The imperialists have hung and executed by bullet and garrote without trial; they have branded the liberals as brigands, outlawed them, confiscated their homes and desecrated their land, and no wonder that the friends of the monarchy are fearful, and dread the change of government that cannot, at the furthest, be postponed until January, 1867.

The tone of the imperial press is very mournful. Not a day passes without rumors of the pronouncing against the empire of influential leaders, the evacuation of cities, and the gathering of the liberals.

No. 6.

VERA CRUZ, September 10, 1866—10 p. m.

To-day those who study the changes in the situation with great care exhibited a very considerable degree of uneasiness in consequence of some strange reports which were received from the interior. To-day it was generally said that the eighty-first French regiment of the line was *en route* for Vera Cruz to embark at once for Europe, but on investigation it was found that only one battalion of said regiment was coming down, and that the remaining portion (from 1,500 to 2,000 men) were ready to take up the flag of the empire (dropping the flag of France) as soon as the battalion particularly specified above left Mexico. We know it to be a fact that France's money is being expended in large amounts, in every direction, to increase the strength of the imperial army. And we also know that, notwithstanding the several moves already made, there is nothing to show that it is the sincere intention of France to leave the country.

In to-day's issue of *La Revista*, of this city, we find the following:

The last news from Europe relative to Mexican affairs contradicts some of the reports received by the Sonora. The French government permits the enlistment in France of volunteers, and will give to the imperial government of Mexico arms and munitions of war. The return of the expeditionary corps, nevertheless, will take place as has been stated.

Those who have studied the very latest developments are asking: "What difference will it make to the United States government whether Maximilian is supported by French regiments, directly known as such, or French regiments in disguise under the colors of the empire?"

No. 7.

Maximilian's speech on the 16th of September, 1866.

MEXICANS: Now for the third time, as chief of the nation, I celebrate with you with pleasure and enthusiasm our great and glorious family festival. In these days of patriotic remembrances it is always a necessity on my part to address frank and faithful words to my patriotic fellow-citizens, and to participate with them in the general rejoicings. Fifty-six years have passed since was heard the first cry of our nation's new birth. It is a half-century during which Mexico has been struggling for her independence and pacific consolidation. The time seems long, undoubtedly, for patriotism is justly impatient, but in the history of a people just coming into life it is simply the period of a severe apprenticeship, which every nation must undergo if it wishes to be one day great and powerful. Without blood and without affliction there are no great human triumphs, no political developments, no durable progress. The lesson which this first period of our free history addresses to us is that of ultimate sacrifices, of cordial, generous, and frank union, and, more than all, immutable faith in our success. Let all loyal patriots support with energy, each in his sphere, the great work of regeneration. Then my labors will not be sterile; and I will be able to follow, conscientiously, the difficult path on which I have entered. Let them have confidence and good will, in order that we may one day reap the fruits, so desired, of peace and prosperity. I am still firm in the position which the votes of the nation have made me occupy, notwithstanding all the difficulties, and without failing in my duties; for it is not in adverse moments that a true Hapsburg abandons his post. The majority of the nation elected me to defend its most sacred rights against the enemies of order, property, and true independence. The Almighty should, therefore, protect us, it being a sacred truth that "the voice of the people is the voice of God." This was shown in a miraculous manner at the time of our first national rising; it will be shown in the present regeneration. The great heroes of our country look upon our efforts. Let us follow their immortal examples without vacillation, without distrust; and to us will then belong the enviable task of consolidating and crowning the work of independence, which they began with their precious blood.

Mexicans! long live our independence and the memory of its glorious martyrs!

No. 8.

MAXIMILIAN, EMPEROR OF MEXICO.

With the advice of our ministerial council, we have determined to decree and have decreed as follows:

ARTICLE 1. All property belonging to persons now residing out of the country, or in places held by the disaffected, who oppose the imperial government adopted by the people of Mexico, shall be administered in each district by a special committee composed of the municipal alcalde, the collector of revenue, and a proprietor named by the prefect.

ARTICLE 2. The sale of this property is forbidden while the owners remain in the ranks of the enemies to order and the empire.

ARTICLE 3. The revenue from this property shall form a special and separate fund for the exclusive benefit of the families that have suffered by the war which the disaffected are waging against the empire.

ARTICLE 4. The accounts of this fund shall be kept in the treasury department.

ARTICLE 5. At the end of each month the amount received shall be distributed among the families whose wants are considered just and well founded. The distribution shall be determined by the council of ministers.

ARTICLE 6. Our ministers of government and finance are charged with the execution of this decree in the part that concerns them.

Done in Mexico on the 27th of September, 1866.

MAXIMILIAN.

By the emperor:

TEOFILO MARIN,
Minister of Government.

By the emperor:

JOAQUIN TORRES LARRAINZAR,
Minister of Finance.

No. 9.

Extract of a private letter dated Vera Cruz, September 30, 1866.

The eighty-first regiment French infantry arrived at Vera Cruz on the 26th of this month, ready to embark on board the steamer Tampico, the first of the transports which is to bring the army back to France. The others are the Rhone, the Calvados, the Gironde and l'Avegron, now on the eve of sailing from Havre to Vera Cruz. During the short stay of the eighty-first at Vera Cruz telegraphic despatch from General Bazaine came, ordering the regiment to fall back upon Orizaba, where it has actually gone.

As an explanation for this retrograde movement it is stated that Marshal Bazaine had received a telegram from Europe by the Atlantic cable via New Orleans and the steamer Sonora, by which he had been advised that General de Castelnau was on his way to Vera Cruz, and that the wishes of the French government were to suspend the embarkation of the French troops until he had arrived. This, of course, has given rise to several comments, which, resting on no foundation, are not worth reproducing here.

The Pajaro Verde of August 1 says of the eighty-first regiment, stationed at the city of Mexico: "A French officer assures us that, in fulfilment of orders, this corps will leave for France in November; but as all who wish can remain in the service of Mexico, it is said that of nearly all the battalions only the colonel and the musicians will embark at Vera Cruz for their mother country. We do not hold ourselves responsible for this statement."

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,

Washington, October 12, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, containing a copy of a letter from the minister of foreign affairs to you, and of one from the department of finance and public credit of Mexico to the minister for foreign affairs, in which the reason for delaying an answer to the complaint of certain citizens of the United States, that duties had been illegally collected from them at Acapulco, is stated to be the present occupation of that city by the enemies of Mexico.

It is to be regretted that a cause has intervened to prevent an explanation of this matter. Under the circumstances, however, the government of the United States is disposed to wait until the cause assigned shall have passed, in the hope that any additional delay will be avoided.

I avail myself of this opportunity to renew to you the assurances of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor Don M. ROMERO, &c., &c., &c.

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,

Washington, October 20, 1866.

SIR: I have the honor to enclose a copy of a letter of the 14th ultimo, received at this department from the Secretary of War, transmitting a letter dated at New Orleans on the 24th of August, 1866, from Mr. James B. Gauche, a citizen of the United States, to Major General Sheridan, complaining of the exaction from him, by the liberal authorities of Matamoras, of forced loans to the amount of \$1,900, and to beg of you to call the attention of your government to the matters complained of.

I avail myself of this opportunity to renew to you the assurances of my most distinguished consideration.

WILLIAM H. SEWARD.

Señor Don M. ROMERO, &c., &c., &c.

No. 1.

WAR DEPARTMENT,

Washington City, September 14, 1866.

SIR: I have the honor to transmit herewith a communication of August 24, 1866, to Major General Sheridan, commanding the department of the Gulf, from John B. Gauche, a citizen of the United States, complaining that he has been compelled to subscribe to the imperial forced loan in Matamoras, Mexico, and applying for redress.

You will please indicate to this department any action which you think proper to be taken by the military authorities.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

No. 2.

NEW ORLEANS, *August 24, 1866.*

GENERAL: The undersigned begs leave to bring to your notice, and through you to that of the government at Washington, the following facts:

I am a native of the United States, and have resided and carried on business as a merchant in Matamoras, in the republic of Mexico, for the last three years. During that time I have constantly been known as a loyal citizen of the United States, for which the former American consul, Mr. Pierce, (now at Brownsville,) and the present one, Mr. Avery, will vouch.

During the present civil war in Mexico, Matamoras has been alternately in possession of the different contending parties; and at every change of masters a forced loan was imposed by the commander for the time upon the commerce of the place, aliens as well as natives. For these forced loans orders were given upon the custom-house payable in duties, which were only good so long as the party issuing the orders remained in power, for their successors invariably repudiated them. In the case of the subscriber, General Cortina compelled him

to loan him (Cortina) five hundred dollars, for which the subscriber received an order upon the custom-house. General Mejia next took the city and drove out Cortina. The subscriber presented Cortina's order in payment of duties, but was told it was good for nothing.

Then General Mejia imposed upon the undersigned a forced loan of two thousand dollars. One thousand of this the subscriber got rid of at a discount of twenty per cent., and of the other thousand he is a loser.

Next to Mejia came General Carvajal, who called upon the undersigned for fifteen hundred dollars; but application having been made to General Getty, commanding the American forces in Brownsville, through the intercession of that officer the peremptory requisition of Carvajal was changed into a request that the undersigned would give whatever he pleased. Fearful of the annoyances which would have been the consequence of a refusal, the undersigned gave General Carvajal two hundred dollars.

General Carvajal has very lately been [expected] by one of his officers named Canales, who is for the moment in possession; but there are three other officers, Hinojose, Cortinas, and Negrete, around Matamoras, all seeking to get in, and whichever of the four succeeds in holding possession, we, the merchants, are sure to be assessed for a forced loan.

It is hoped that when the attention of our government is awakened to the true state of things, a stop will be put to these robberies of our citizens by the banditti who wear the Mexican uniform. For my part I am the loser already, as above stated, of nineteen hundred dollars, and have the best reason to apprehend that I will be still further plundered. It is the established and inveterate system of governments in Mexico, a system disgraceful to civilization as that which formerly prevailed in the Mediterranean under the piratical rule of the Dey of Algiers.

The undersigned believes that it can be only corrected by an energetic display of power on the part of our government.

All of which is most respectfully submitted by, general, your very obedient servant,
JOHN B. GAUCHE.

Major General SHERIDAN,
Commanding the Department of the Gulf.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 21, 1866.

MR. SECRETARY: For the information of the government of the United States, I have the honor to send you the enclosed index documents, showing the condition of affairs in August last in that part of the eastern division of the Mexican republic under the immediate command of General Diaz.

I avail myself of this opportunity to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with a note of this date, concerning events on the eastern line.

No.	Date.	Contents.
	1866.	
1	Aug. 12	General Diaz's letter to a friend of his, giving an account of the latest military operations.
2	Aug. 20	General Diaz's letter to Mr. Romero, from Chiantla, enclosing the following communications:
3	Aug. 20	A note from General Diaz to the minister of war of the Mexican republic, reporting his latest military operations in the line of his command.
4	Aug. 20	A note from the same to the war minister, enclosing the official report of General Luis P. Figueroa, from Teotitlan, dated May 1, giving an account of his movements the last of April, 1866.

No. 1.

XOCHHUAHUATLAN, August 12, 1866.

MY ESTEEMED FRIEND:

I have been some days on the border of the State of Guerrero, doing little, but making the enemy, and even friends, believe I intended to remain. I am preparing a march from the third district of the State of Mexico to Tehuantepec. For the last few days I have been busy in the northern part of the State of Puebla; and though I have not effected much, for want of means and supplies, I have done the best I could. Right or wrong, I begin my work with prospects of success. I approached Chiantla to protect a movement of a part of its garrison. On the 14th, when Jacaquistla was taken, where I got forty horses and much ammunition, a letter informed me that both expeditions were successful. From Chiantla I took prisoners, horses, one howitzer, and all the armament and ammunition, to what amount I have not yet learned.

The third district of the State of Mexico is in motion, and I have sent General Leyra with his cavalry to protect the movement and direct the operations.

I will soon give you the result of my plans.

Colonel Visoso routed Nava, the imperialist military commander, who died in action.

Although Maximilian supplies me with arms, by distributing them among the people, they are not of the best quality, and I hope soon to exchange them for better ones. I am in great want of ammunition, though General Alvarez furnishes me all he can spare; and the enemy's arms are so much better than mine, they have a signal advantage.

Your friend and servant,

PORFIRIO DIAZ.

No. 2.

CHIANTLA, August 20, 1866.

VERY DEAR FRIEND: I wish to inform you of my present situation and the progress I make; and, as I have not the time to copy this for the supreme government, I send you the whole official correspondence unsealed, so you may see it before mailing it.

Your affectionate friend,

PORFIRIO DIAZ.

Señor Licenciado MATIAS ROMERO,
*Envoy Extraordinary and Minister Plenipotentiary
 of the Republic, Washington.*

No. 3.

MEXICAN REPUBLIC—EASTERN LINE HEADQUARTERS.

CITIZEN MINISTER: Profiting by the present inaction of the invading army, thanks to the operations of the republican forces inland, I have determined to make a general movement, with the few elements of war in my power, upon the States of Mexico, Puebla, Oajaca, Tlaxcala, and Chiapas. I commenced operations on the 10th, with some success. On that day Colonel Jesus M. Visoso took one hundred and fifty men of the Chiantla garrison, and routed the rest under the traitor Gavilo, joining me afterwards with a howitzer and eighty-six muskets he had captured.

On the 13th of the same month we found ourselves in front of Chiantla, retaken by Gavilo with the aid of the Austrian garrison of Matamoras. I twice thought the enemy would attack me that day; but he only came out to reconnoitre, not daring to leave the protection of the forts. While in that situation I received notice that Lieutenant Colonel Ignacio Sanchez Gamboa, heading the inhabitants of Ixcaxitla, had whipped the traitor Granados Maldonado, prefect of Tepeji, killing seven of his men, taking twenty-six prisoners and thirty muskets, and scattering his troops, twenty-eight cavalry joining us during the fight. As Sanchez Gamboa was delayed by his booty, the enemy caught up with him, and he was obliged to join me for protection. Meantime the enemy remained safe in his forts at Chiantla, and did not seem disposed to give me battle in the open field. So I ordered General Francisco Leyra, governor of the third district of Mexico, with his seventy cavalry, to organize and arm all the republicans in his district, and appoint proper officers. With the forces under my particular command, I came to this place, where I was soon joined by Lieutenant Colonel I. Sanchez Gamboa.

While this is taking place here, General Luis P. Figueroa is to menace Tehuacan on the north; Commander Felipe Cruz, with one hundred and fifty mountaineers of Mixtecas, will

occupy the Peras mines on the 12th; on the same day Colonel Manuel Lopez y Orozco marched from Tamiltepec against Tola; and the Juchitan garrison was to move to Tequisistlan, to hold the road between Tehuantepec and Oajaca.

I am waiting the result of these operations, that were to take place together, and I will thus extend my line of operations in this direction, and get all the supplies I can. At the same time I will hold the imperialists at Puebla in check by frequent incursions to that city.

If the enemy comes out to attack me, as I have reason to believe he will, I will retreat, and only give battle when certain of success; for my sole object is to get hold of the abundant supplies north of Puebla, in Tlaxcala, and even in the city of Puebla, where the people are becoming restless and revolutionary.

I will soon have the pleasure of reporting the result of all the manœuvres in which the forces of Chiapas, Tabasco, and Vera Cruz are not interested, because the first have to remain near Oajaca to watch operations in Juchitan, Tehuantepec, and the movement of General Garcia upon Tlacotalpan, and the rest have to defend the approaches to Yucatan.

The country and liberty! Chiantla, August 20, 1866.

PORFIRIO DIAZ.

The Citizen General MINISTER OF WAR, *Chihuahua*.

No. 4.

MEXICAN REPUBLIC—HEADQUARTERS OF THE EASTERN LINE.

In a communication dated the 1st of May, in Teotitlan del Camino, General Luis P. Figueroa reports as follows:

"I have the honor to inform you that I marched on Vera Cruz the 24th of last month with General Garcia, for the purpose of attacking a mixed force of imperialists and French. The expedition failed, and I returned to Tuxtepec, where I arrived the 29th. On the evening of the 28th I heard that two columns of Austrians and traitors had occupied the portion of Santa Domingo along the river of the same name; that another column of 600 men, with two 12-pounders, coming from Huaetla, were near this place; and that a fourth column of 500 men with artillery had appeared near Teutila, all to join and attack this place.

"From the numerical superiority of the enemy, we had little hopes of being able to sustain our position; but, as our troops were united, I prepared for the defence to the best of my ability.

"At 6 o'clock on the morning of the 30th the enemy appeared with two centre columns, protected in flank by artillery. The fight soon became general, and, after six hours of constant fire, and several attempts at assault by the enemy, he finally withdrew to Ixcatlan to wait for re-enforcements. He left seventy killed, thirty rifles, twenty muskets, and one cornet. We took several prisoners, but we could not pursue the fugitives, who took to the woods, on account of the few men I had. We lost twenty-five men killed, among them José M. Rocha, captain, and thirty men wounded, among them Commander J. Ramirez. The next day I sent the Ixcatlan company to skirmish with the enemy that occupied their homes, and they exhibited their courage and patriotism by burning their own houses to dislodge the enemy. He afterwards made a reconnaissance, retired, and has not reappeared since the 15th. From that time to the 22d there were several skirmishes, and we captured several mules with loads of forage. At six o'clock on the morning of the 23d, three columns of the enemy made their appearance, just as they had done on the 30th of last month, and commenced an attack, but, failing to accomplish anything, they retired. On the 25th they renewed the attack, distributed liquor to the soldiers, and encouraged them by words. They opened their artillery with a brisk fire, and poured their columns upon our ranks. The contest was soon man to man—traitors and Austrians were mingled with the loyal defenders of the republic, and after a sanguinary struggle they were compelled to quit the field. The enemy lost about 200 killed, 114 wounded, a quantity of rifles, and 64 prisoners. Our loss was considerable. We lament the death of the brave Commander Lorenzo Guzman.

"I enclose a detailed account of the killed and wounded for the information at headquarters.

"I can make no particular recommendation of my subordinates, for they all did their duty, and exhibited great courage in combat."

I have the honor to send the above to your department, assuring you this victory has destroyed the enemy's plans of invading the south, and has put our forces into a position to undertake an expedition, of which I hope soon to give you a favorable account.

Country and liberty! Chiantla, August 20, 1866.

PORFIRIO DIAZ.

The MINISTER OF WAR, *Chihuahua*.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 22, 1866.

MR. SECRETARY : I was honored to-day with your note of the 20th instant, enclosing a communication from the Secretary of War, dated 14th of September last, and a letter from John B. Gauche, a citizen of the United States, addressed to General Sheridan, the 14th of August, complaining that the authorities of Matamoras had forced him to pay nineteen hundred dollars.

You requested me, in transmitting to me these papers, to call the attention of my government to the affair. In reply, I have to inform you that I will forward a copy and translation of your note, with documents, to the minister of foreign affairs of the Mexican republic, in Chihuahua, by the next mail.

I beg of you, however, to permit me to say in regard to this subject that, from Mr. Gauche's own account, most of the money he lost, that is, one thousand dollars, was extorted from him, and never repaid, by Thomas Mejia, who then held Matamoras in the name of the order of things that the French have been endeavoring to establish in Mexico, and that the national government, which the French have been trying to overthrow, in a war without quarter, is not responsible for acts of its enemies invading the territory and attempting to establish illegal authorities.

I must also say that Mejia's refusal to return Mr. Gauche the five hundred dollars taken from him by Cortina cannot be charged to the Mexican government, for the reasons above stated.

I have no doubt, however, the Mexican government will do all it can to do full justice to Mr. Gauche and other citizens of the United States, who feel themselves aggrieved by acts which are the unavoidable consequences of a war like that now desolating my native land.

I take the occasion to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, October 31, 1866.

MR. SECRETARY : Learning by the papers of this country that General Jesus Gonzalez Ortega is in New Orleans, on his way to Mexico, where he is going, as he says himself, to excite an insurrection in his own favor, to usurp the public power, and styles himself "constitutional President of the Mexican republic" in communications addressed to the United States military authorities in that city, I think proper to transmit to you, for the information of the government of the United States, various documents, some from General Ortega himself, showing the specious arguments he makes use of to prove he has a right to style himself President of Mexico.

I am pleased to accept the occasion to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, relative to the conduct of Don Jesus Gonzalez de Ortega.

No.	Date.	Contents.
1	1865. Dec. 26	First pamphlet published in New York by Don Jesus Gonzalez Ortega, containing his protest against the decrees of the 8th of November last, (December 21,) and his address to the nation on that subject, (December 26.)
2	1866. April 30	Circular of the department of foreign relations and government of the republic of Mexico in reply to the foregoing protest and address.
3	Mar. 10	Second pamphlet published in New York by Don Jesus Gonzalez Ortega, containing letters of the nine persons who are disposed to aid him in the effort to provoke sedition in Mexico.
4	April 4	Answer to the foregoing pamphlet, containing replies to Don Jesus Gonzalez Ortega, by Mexicans residing in the United States, of whom he asked their opinion about the expediency of the decrees of the 8th of November, 1865.
5	June 30	Another replication to Don J. G. Ortega's pamphlets, containing the opinion of several Mexicans now in armed defence of their country, in favor of the decrees of the 8th of November last.
6	June 7	Reply of the official paper of the Mexican republic to Don Jesus Gonzalez Ortega's second pamphlet.
7	Sept. 14	Article from the official paper of the Mexican republic, containing various letters intercepted from Don Jesus G. Ortega and Don Guillermo Prieto.
8	Sept. 22	Article from the official paper containing documents on the same subject.

No. 1.

DECREES OF BENITO JUAREZ.

MINISTRY OF EXTERNAL RELATIONS AND GOVERNMENT—DEPARTMENT OF GOVERNMENT—SECTION FIRST.

The citizen President of the republic has seen fit to issue the following decree :

Benito Juarez, constitutional President of the United States of Mexico, to the inhabitants thereof :

Be it known, that in exercise of the plenary powers conferred upon me by the national congress, through its decrees of December 11, 1861, of May 3 and of October 27, 1863 ; and whereas,

Firstly. In articles 78, 79, 80, and 82 of the federal constitution, treating of the period of the functions of the President of the republic, and of the manner of his substitution, provision has been made for a new election of a President, but which, in fact, has not been verified, inasmuch as said provision did not anticipate existence of a state of war, such as the present ; and, moreover, as the enemy at the present moment occupies a great portion of the national territory, it is impossible for a general election to be constitutionally held at the ordinary periods.

Secondly. That in those articles of the constitution providing for a substitute for the President of the republic in the event of a vacancy, it was provided to confide the executive power of the presidency to the president of the supreme court of justice, to act in the only case foreseen, during the interim, until a new election could be had according to the constitution.

Thirdly. Inasmuch as it is impossible for an election to be held on account of the war, and as the president of the supreme court, were he to enter upon exercise of the functions of the executive office, would do so for an indefinite period of time, it becomes necessary to extend his powers beyond the limit prescribed by a literal construction of the constitution.

Fourthly. That by the supreme law of necessity for the conservation of the government, the prolongation of the term of office of the President and of his substitute would be more conformable to the spirit of the constitution, inasmuch as it would avoid possibility of the government being without a head, or the creation of rival functionaries, operating one in the absence of the other ; and, moreover, because conformably to the popular vote the President of the republic was elected, primarily and directly, to exercise the functions of

the executive, while the president of the supreme court was elected, primarily and directly, to exercise judicial functions, those of the executive being intrusted to him, secondarily and ad interim, in the case of absolute necessity.

Fifthly. And considering that the present case is not provided for in the constitution, and the interpretation of the provisions and spirit of the constitution belongs exclusively to the legislative power, and that the law of December 11, 1861, confirmed by repeated votes of confidence by the national congress, has invested the President with power not subjected to ordinary constitutional rules, by which he possesses plenary power to do and perform all acts which he may judge proper during existing circumstances, unrestricted save as to the salvation of the independence and integrity of the national territory, of the form of government established by the constitution, and of the principles and laws of reform—

It has pleased me to decree as follows :

ARTICLE I. In the present condition of the war, it becomes necessary to extend, and are hereby extended, the functions of the President of the republic beyond the time ordinarily limited by the constitution, until such a period at which the executive government can be turned over to a President duly elected at an election, which shall be held whenever the condition of the war shall admit of its being held constitutionally.

ART. II. For a like reason it becomes necessary to extend, and are hereby extended, the functions of the person who holds the position of president of the supreme court of justice, beyond the time ordinarily limited by the constitution, in order that, should a vacancy occur in the presidency of the republic, he may be enabled to fill it as substitute.

For all of which I order this to be printed, published, and circulated, that force be given the same.

Given at El Paso del Norte this eighth day of November, in the year 1865.

BENITO JUAREZ.

The Citizen SEBASTIAN LERDO DE TEJADA.

MINISTRY OF EXTERNAL RELATIONS AND GOVERNMENT—DEPARTMENT OF GOVERNMENT—SECTION FIRST.

The citizen President of the republic has seen fit to issue the following decree :

Benito Juarez, constitutional President of the United States of Mexico, to the inhabitants thereof :

Be it known, that in exercise of the plenary powers conferred upon me by the national congress, through its decrees of December 11, 1861, of May 3, and October 27, 1862, and of May 27, 1863 ; and whereas,

Firstly. The citizen General Jesus G. Ortega thought proper, in July of the year 1863, to assume the office of governor of the State of Zacatecas, and abandoned in San Luis Potosí the office of constitutional president of the supreme court of justice.

Secondly. For this reason, following the precedent of congress, which, owing to the vacancy in the constitutional presidency of the court, had created provisionally a president of the court, the government at the city of Chihuahua, under date of November 30, 1864, declared that it was necessary that the citizen General Ortega should continue in his capacity as president of the supreme court of justice.

Thirdly. The object literally expressed in that resolution was to avoid possibility of the government being without a head, and gave to the citizen General Ortega a definite and recognized title, so that in the case of a vacancy in the presidency of the republic, he could enter upon its duties as substitute.

Fourthly. Not being contrary to this motive, as he could fulfil his duties in any part of the republic, government conceded to General Ortega on the 30th of December, 1864, a license, which he prayed for on the 28th, to proceed and bear arms in the cause of independence within the interior of the republic, with the privilege expressed in the license, according to his solicitation, as well of going direct through Mexican territory as of passing *in transitu* through a foreign land.

Fifthly. General Ortega departed accordingly, and, nevertheless, despite the express tenor of his license, and in the place of passing *in transitu*, has resided permanently in a foreign country, without license or permission so to do, and in this wise abandoned his office of president of the supreme court of justice, under the grave circumstances of an actual state of war, at a time when serious casualties have happened, and still may happen, by some of which the government may suffer the inconvenience of being without a head ; yet, in expectation of his return, it was not deemed advisable to name another president of the court, who, in the event of a vacancy in the presidency of the republic, might assume its functions as substitute.

Sixthly. In addition to responsibility, incurred through official vacation of his post as

president of the court, he has likewise violated the rules of good order, inasmuch as, holding a position as general, he has gone to reside permanently in a foreign country, during continuance of a state of war, and thereby abandoned the cause of the republic, its standard and army.

Eighthly. Considering that the government can and ought to declare this responsibility, with the power and ample functions delegated to it by congress, not in opposition to, by applying a just remedy in necessary cases, according to the provisions of the constitution with regard to public functionaries—

I decree as follows :

ARTICLE I. The citizen General Jesus Gonzalez Ortega, inasmuch as from his having taken up a permanent residence in a foreign land during a continuance of actual hostilities, without license or commission from the government, has rendered himself responsible to a charge of official dereliction, in voluntarily abandoning his office as president of the supreme court of justice ; that, when he presents himself upon the soil of the republic, the government will make such dispositions as will establish his guiltiness.

ART. II. The government, employing the plenary powers delegated by congress, and applying article 104 of the constitution, declares that cause exists to proceed against the citizen Jesus Gonzalez Ortega, and that, when he presents himself upon the soil of the republic, a judicial inquisition will be had against him for a crime against good order, for that, while holding the position of a general in the army, he has resided permanently and voluntarily in a foreign land, during continuance of hostilities, without license from the government, thereby abandoning the army, its standards, and the cause of the republic.

ART. III. Conformably to precedent, established by congress, the government, in exercise of its plenary powers, will nominate a president of the supreme court of justice to serve as a substitute to the president, should a vacancy occur prior to the time when the office shall be turned over to his successor, constitutionally elected, as soon as the state of the war will permit an election to be held.

For all of which I order this to be printed, published, and circulated, that force be given the same.

Given, at El Paso del Norte this eighth day of November, in the year 1865.

BENITO JUAREZ.

The Citizen SEBASTIAN LERDO DE TEJADA.

Protest of the citizen Jesus G. Ortega, president of the supreme court of justice of the Mexican republic, against the decrees issued by Don Benito Juarez, on the 8th day of November, 1865.

The impolitic and disgraceful act consummated by Don Benito Juarez, in issuing, through your official hands, the decrees of the 8th of November last past, has placed me in the painful position, aware of the circumstances surrounding the political situation of the Mexican republic, of protesting before and in the name of the nation against the subject-matter and import of those manifestoes :

Firstly. For that they are against the express provisions of the political constitution of the republic, and are consequently arbitrary, illegal, and void of effect.

Secondly. For that they create a dictatorship, to be wielded by Benito Juarez, who can, at his option, supersede one of the federal authorities, sovereign and independent, whose functions have been recognized by the vote of the nation, in this wise destroying a republican principle, and the basis of legal order—that is, *the form of government established by the constitution.*

Thirdly. For that they are contrary to the spirit of the powers delegated to the executive by the national congress, which to-day, notwithstanding the existence of a war with France, declared, while making the concessions contained in the decree of December 11, 1861, whereby authority of every nature was conceded to the executive to institute, unrestrictedly, such measures as might be considered apt and proper under the actual circumstances, that such powers were to be exerted with a sole view of preserving the independence and integrity of the national territory, *the form of government established by the constitution*, and the principles and laws of reform. Moreover, the law of October 27, 1862, imposed a positive restriction that the executive could do nothing contrary to the provisions of Title IV of the constitution, which provides that the President has no power to declare if cause exists against any public functionary—a restriction conceived and set forth with the aim of precluding possibility of the President abusing his power to the detriment of constitutional authority.

Fourthly. For that the decrees aforesaid seriously compromise the independence of the nation, robbing its defenders of a legitimate government, which alone can serve as a rallying point for united patriotism, and substituting in its stead an illegal usurpation, with no more force in authority than that of the unconstitutional decrees now issued.

Fifthly. For that the tone of those decrees is insulting to the Mexican people, battling for principle beneath the constitutional banner, as from a perusal of their text it may be inferred that blood, spilled by thousands of patriots and martyrs, had been outpoured with no other object than for the defence of the person of Benito Juarez, and that, without the salvation of this individual, the cause of Mexico would be hopeless.

Sixthly. For that the statements set forth in those decrees are not only founded upon sophistry, but contain calumnies affecting my personal and official character.

The obligations of the solemn oath assumed by me as constitutional president of the supreme court of justice, in accordance with the letter and spirit of the constitution, have been so far observed by me in full faith, as well as with a regard for the popular rights secured the nation by that instrument, as the nation, when again recovering full exercise of its privilege, must hold all functionaries to a strict accountability.

EAGLE PASS, December 21, 1865.

JESUS G. ORTEGA.

DON SEBASTIAN LERDO DE TEJADA.

The citizen Jesus G. Ortega, constitutional president of the supreme court of justice, to the Mexican nation.

MEXICANS: Don Benito Juarez has issued, at El Paso del Norte, on the 8th day of November last past, through the intermediation of Don Sebastian Lerdo de Tejada, acting as minister of relations and government, two decrees—in one extending the duration of his own powers, and in the other divesting of authority the president of the supreme court of justice. Although alleging two separate pretexts for this last decree, it has been issued with the sole and exclusive aim of arrogating to his personal action the election of the vice-president of the republic, a person who, by the express terms of the constitution, is entitled to and should succeed to the exercise of the supreme executive power on the 1st of December following. There is nothing singular in this step of the Señor Lerdo de Tejada, when his past political career has been called to mind. It must be remembered that he was one of the persons participating in the *coup d'état* of Comonfort—a bloody page in the history of Mexico, which excited the scandal of the world. Returning to the soil of my country, whither I had been drawn from promptings of honor and duty, and where I had to come to fulfil the duties of the office which I had received, not from Benito Juarez, but through the spontaneous expression of national confidence, the first spectacle which greeted my vision was its genial horizon lowering over a blood-stained country, strewn with the ruins of a political edifice previously raised at so dear a cost. There were presented to me two decrees, foreshadowing the gloom of the future. Beneath their shadow I perceived anarchy and disorder, an outrage upon the Mexican people, another scandal in our political history, as the inevitable consequences of acts reprobated by morality and experience, the deeds of men who have prostituted the law into a means to serve their personal ambition, instead of administering it for the public good. They revived the painful reflection that Mexicans, treasuring confidence in the purifying influences of republicanism, had deceived themselves when they had hoped that ignominy had forever disappeared from their midst, leaving behind it but a melancholy memory of previous misdeeds.

My first impression was to postpone all action for the benefit of my country, for which I would have spare no sacrifice, whatever may be its magnitude. My public career, heretofore without stain, is the clearest testimony of the truth of my sentiments. Two expedients presented themselves whereby to extricate myself from my cruel position. The one was to remain mute, saying not a word against the illegality of these decrees, immolating myself upon the altar of my country, retiring to some foreign land, so that the friends of legality, of popular right, of constitutional privilege, should have no other banner to rally around than that set up in this arbitrary manner. The other was to protest against these decrees, leaving national rights intact, yet not to erect a new standard, for this might generate a fresh and imprudent scandal. Neither was I willing to absent myself, for such a desertion would militate against principle. Had I followed the first suggestion, I would have abandoned rights, not my own, but those of the people, transmitted to me through their votes; I should have shirked fulfilment of the oath taken before the national congress, and avoided performance of the duties of my official position, substituting in their stead a modest shame; I would have abandoned the straight road and turned aside into another, whether for good or evil, but which assuredly was not the pathway of duty and honor. Moreover, it would have resulted in leaving the country without a legal government, without which it would have been impossible to have made head against a colossal enemy; it would have authorized a fresh attack upon the dignity of the law, without which it is hopeless to anticipate a permanent establishment of the republic and of national tranquillity.

In adopting a second course, I would fulfil my duty and demonstrate to the nation that

I was not a party, either tacit or active, to the blow inflicted upon constitutional rights; I would show to the world that the errors of two men were not those of the nation, whose interests are derived from a more elevated origin—interests which Mexico has defended for the last ten years; and, finally, I would place myself in a position before my country capable of defending my conduct. Neither did I believe that persistence in silence would better the military condition of the war. Consequently, I determined upon this last line of conduct, and directed to Don Sebastian de Lerdo de Tejada the protest against the unconstitutional decrees to which I have alluded.

ARTICLES OF THE CONSTITUTION.

ART. 78. The President shall enter upon the functions of his office on the first day of December, and continue for the term of four years.

ART. 79. In the temporary absence of the President of the republic, and in the interim before his successor qualifies, the president of the supreme court of justice shall enter upon and perform the duties of that office.

ART. 80. If the absence of the President be absolute, a new election will be held, in accordance with the provisions of Art. 76; and the President in this wise elected will perform his functions until the last day of November of the fourth year from the time of his election.

ART. 82. If, from any cause whatsoever, the election for President is not held and published by the first day of December, by which time the vacancy should have been filled, or that the candidate elect should fail to enter upon the performance of his duties, the term of the previous President, nevertheless, ceases, and the supreme executive power, during the interim, will vest in the president of the supreme court of justice.

ART. 94. The members of the supreme court of justice, upon entering upon the functions of their office, shall take an oath before congress, or, in the event of its adjournment, before the permanent deputation, in the following form: "You do swear loyally and patriotically to fill the office of magistrate of the supreme court of justice, which the people have conferred upon you, conformably to the constitution, and regarding only the welfare and prosperity of the union."

ART. 95. The office of magistrate of the supreme court of justice can only be renounced for grave causes, (*por causa grave*), qualified by congress, unto whom the renunciation must be presented, if during its adjournment the qualification shall be made by the permanent deputation.

TITLE IV.—Responsibilities of public functionaries.

ART. 103. The deputies of the congress of the union, the magistrates of the supreme court, and cabinet secretaries, are responsible for malfeasance in office, and for the derelictions or omissions which occur during their continuance in office. The governors of States are equally responsible for infractions of the constitution and federal laws. So, also, is the President of the republic; but during his term of office he can only be accused, on charges of treason against the country, of *express violation of the constitution*, of attacks upon the elective franchise, and of criminal offences of the common order.

ART. 104. If the crime be of the common order, congress, acting as a grand jury, will decide whether there be cause to proceed against the accused. In the case of a regular decision, no ulterior proceedings can be had. Should the decision be affirmative, the accused will be suspended from office and subjected to the action of the ordinary tribunals.

ART. 105. In cases of malfeasance, congress will act as a jury of accusation, and the supreme court as a tribunal for judgment.

The jury of accusation will declare as to the guilt of the accused by a majority of votes. If the accusation be absolved, the official will continue in the enjoyment of his office; if sustained, the offender will be immediately divested of office, and placed at the disposition of the supreme court. This court, erected into a tribunal of sentence, in the presence of the criminal, the public prosecutor and the accuser, if any there be, shall proceed to pronounce, by a majority of votes, the penalty which the law provides.

ART. 106. Judgment pronounced for responsibility as to malfeasance, no pardon can be granted the transgressor.

ART. 107. Responsibility as to malfeasance can only be exacted during the term of the offender's office, and for the period of one year thereafter.

ART. 108. In demands of a civil order, there is neither process nor immunity for public functionaries.

In according extraordinary powers to the executive, by reason of the state of war, congress, in its concessions of the decree of October 27, 1862, imposed an express and definite restriction that he should do nothing contrary to the provisions of title IV of the constitution. Hence it can be readily surmised that congress had other objects in imposing this

restriction upon the executive beyond the mere conservation of constitutional order, in placing the high dignitaries of the state beyond reach of presidential attack. They evidently feared that, were unlimited power placed in the hands of the executive, he might proceed against some functionary, and in this wise produce internal disorder, as Juarez has done in this instance, contrary to the provisions of the constitution, through abuse of the powers accorded by congress, and to the manifest prejudice of public decency.

According to article 95 of the constitution, "the office of magistrate of the supreme court of justice can only be renounced for grave causes, (*per causa grave*.) qualified by congress, unto whom the renunciation must be presented, if during its adjournment the qualification shall be made by the permanent deputation." A sufficient answer to this consists in the fact that I have not renounced the office conferred upon me by popular suffrage, nor has any grave cause been urged against me to render such a step advisable, and consequently no qualification has been made by either congress or the permanent deputation.

I have quoted the preceding provisions of the constitution, so that from a perusal of their text the enormity of their infraction is apparent, and not with a view to exhibit the utter worthlessness of the pretensions upon which are based the decrees of November, which attempt would be an insult to the common sense of the general public.

In the decrees of Juarez, and the circular accompanying them, he has sought to furnish a sample of logic and explanation of our constitutional law. To these puerile expedients he has had recourse, for want of better reasons to support his assumptions. Neither as a Mexican, nor as a magistrate, do I wish to discuss this point; the nation will adjudicate upon the simple narration of fact. I would it were within my province to reveal all; it would vindicate my conduct and place Juarez and Lerdo in no enviable or patriotic light; but national interests demand my silence.

The *coup d'état* of Comonfort, in 1857, caused Don Benito Juarez, then chief justice of the supreme court, to enter upon the executive functions of the Union. Legal order established after three years of civil war, congress met in 1861, and there being no person legally entitled to assume the functions of the presidency of the republic, in the event of a vacancy, by reason of the president of the supreme court of justice having entered upon the duties of the chief executive, an election was held to supply the vacancy in the order of succession to the presidency, and in accordance with that design I was elected to the presidency of the supreme court *ad interim*. About that period I had been elected, by the popular vote, governor of the State of Zacatecas.

After assuming the prescribed oath of office, as president of the court *ad interim*, before the national representatives, I proceeded a few days thereafter to the city of Zacatecas, and assumed the governorship of that State.

This occurred in the year 1861. During the last months of that year, and the earlier ones of 1862, I acted alternately as constitutional governor of Zacatecas, governor and military commander of the State of San Luis Potosi, and military commander of the States of Aguas Calientes and Tamaulipas. This last disposition was made in consequence of the state of the war.

During all this time, neither the nation, the permanent deputation, nor congress when, it assembled, perceived that I had abandoned the presidency *ad interim* of the supreme court, nor did they detect that incompatibility in office-holding which Señors Juarez and Lerdo de Tejada seek to discover by a resort to obsolete constitutional authority, with the aim of finding out that which has no existence in our present national compact.

It had been the desire of congress simply to select a person with an acknowledged and legal title to succeed to the presidency of the republic, in the event of a vacancy, and not an individual to preside over the ordinary business of the court. The political emergencies of the period, particularly during a state of war, demanded the recognition of a person entitled to the succession, and it mattered little whether he was, or was not, governor of Zacatecas.

During normal times it might have proven inconvenient for the same individual to enjoy two employments; still the constitution is silent on that head, and neither have I pretended to fill both at the same time. The war and the state of the country governed my actions, and not my own inclinations, for my honor and sense of duty to my native land have impelled me to situations wherein I could render myself most useful to my country. Moreover, I have ever deemed it a gratification to obey the summons which the nation extends to a soldier of the people. I have referred to past events, not for the sake of argument, but to cite facts patent to the world, and ratified by popular opinion.

During my sojourn in Zacatecas and San Luis, at a distance from the capital of the republic, a popular election was held for the presidency of the supreme court of justice, which election, according to the declaration of the house, resulted in my elevation to that dignity, notwithstanding opposition from the administration of Benito Juarez, with all its power and influence.

When elected I was constitutional governor of Zacatecas; and notwithstanding that fact,

on my transit through the capital of the republic, I took the oath of office and entered upon its functions for a day, and thence passed on to assume command of my army division in the department of the east.

Shortly after I took command, in my capacity as general-in-chief, of that department, and a very little later officiated as governor and military commander of the State of Puebla, which I held until the middle of the year 1863; and during all this period I maintained a second capacity, as I have stated, namely, as constitutional governor of Zacatecas.

During the interval of my respective services, neither the nation, the permanent deputation, nor congress discovered any abandonment on my part of the presidency of the court, neither did they perceive that incompatibility in employments concerning which so much has been said. I was found exactly where my duty as a soldier summoned me.

Having been taken prisoner on the plaza of Puebla, it appears that some propositions were made in the house, having for their object the nomination of some person to replace me in office. No action was had on these propositions, as my nomination had been made for the presidency of the court in compliance with the requirements of the constitution; consequently the appointment of any other person would have been invalid on account of its unconstitutionality. The records of the congressional session attest the truth of these facts. Having obtained freedom through an escape from the prison of Orizaba, I forthwith hastened to San Luis, where I found the government located. After opening the supreme court, I directed my steps to the State of Zacatecas, in nowise abandoning the presidency of the court, as has been malignantly asserted, but, on the contrary, complying with all the rules and regulations governing the internal organization of that body.

At the time of my march, and my separation from the court, I demonstrated to the magistrates that my escape from prison in nowise compromised my parole of honor, and that my object was to hold myself in readiness to struggle for the independence of Mexico, whose salvation depended rather upon feats of arms than upon discussions of points of law, and hence I was anxious to present myself in a State of which I was a son and the governor, to impose new obstacles to the advance of the invader. My colleagues approved of my resolution. A little later was conceded the license I solicited; at the time, I was still governor of Zacatecas.

I had, on many occasions, organized the troops of Zacatecas and commanded them through various successful campaigns. I had been one of the leaders of the State during the revolution for reform and the establishment of public order. I had been a governor for five years, and was so at the time, having been re-elected by the popular vote.

It was natural to suppose I exerted no little influence upon the political affairs of that population. My convictions, and, I may assert without fear of equivocation, the convictions of my copatriots, demanded that I should devote my energies to the reorganization of its troops, to oppose a bold front to the enemy during those solemn moments of the country.

It is but rational to presume that the government of the union would have been actuated by similar patriotic convictions. The spectacle of the national drama remained unchanged, or, if it had changed at all, the aspect had been rendered more melancholy by the misfortunes incurred at Mexico and Puebla; nevertheless, personal interests, shielded from public scrutiny, overpowered considerations for the common weal.

During anterior years my permanent presence at the court had not been deemed requisite, neither was it so considered when I lay besieged within the walls of Puebla. But in those days organs of the popular voice were on the alert, keeping constant guard over the interests of the state.

The government worked only to stultify my influence; it operated to preclude any opportunity of my sharing the popular destiny through rendering fresh services to the country. The cardinal policy of all its acts tended towards ulterior purposes.

My position at the head of the troops of an influential democratic State was one of the most serious obstacles Mexico presented to the invader; it served, moreover, as a sentinel, guarding the legal rights and privileges of the people, so that the officers of the State could not be disposed of as if they were in the hands of private proprietors.

The administration of Señor Juárez, instead of employing for the benefit of Mexico the great or little influence which I possessed in Zacatecas, commenced intriguing, in a private manner, with a view of removing matters and persons to another sphere, in order to neutralize my influence. At the same time, Señor Juárez indited a private epistle to Don Severo Cosío, who acted as governor of Zacatecas, promising him a continuance in office. As the tenor of the communication was of a private character, and related to the personal opinions of the President, the patriot, Señor Cosío, answered in a like style, assuring him that my influence in the State, taken in connection with my official position as governor, was of importance, if not absolutely necessary, did they desire to defend the integrity of the State. Nevertheless, the intrigues continued. Shortly after came commissioners and agents of the government, who tendered proposals of command to the general, Don Victoriano Zamora, who had been provisional constitutional governor of the said State in previous years. Civil

war was on the point of breaking out in Zacatecas by reason of the private intrigues of the government; and this, too, at a time when the French army was penetrating into the interior of the country, and Zacatecas was standing in threat of an attack.

The government was well aware that, should it declare Zacatecas to be in a state of siege, with a view of appointing a governor selected by it to supersede me, it would be my duty to obey the mandate; but, at the same time, the government was likewise aware that such an act would be reprobated by a State notoriously jealous of the exercise of its privileges, and one which contributed the most towards the defence of independence under a constitutional régime. It was aware, moreover, that the nation at large would recognize, in an act of that nature, the motive of its dictation to be to impair my popularity to serve its own personal inclinations. All these machinations crumbled to pieces, shaken by the patriotism and common sense of the people of that section of the republic.

The country disapproved of all these things, for it was deemed necessary to discard private interests, and to concentrate every energy towards the public welfare. With this object in view a delegation, composed of the deputies, the licentiate Don José Maria Castro and Colonel Don Jesus Leora, was sent to the city of San Luis, there to address the government in a firm yet respectful manner, as to the resolution taken up by Zacatecas to furnish troops, in its sovereign capacity, in accordance with its population and dignity, which forces would be placed at the disposal of the supreme government. At the same time the delegation was charged to request that no more obstacles should be placed in the way of its particular government when endeavoring to discharge its patriotic mission. Finally, the State agreed to guarantee all my actions, and pledged itself to pay over monthly the assessment levied upon it as a national contribution.

The general government had previously despatched agents into the States ostensibly to act as collectors of revenue, but, in reality, to impede my progress in the work of raising troops. Had the government stood in need of resources, the delegation were prepared to stipulate as to payment of contributions, under the proviso of having the amount definitely determined. The delegation had interviews with Señor Juárez and some of his ministers without arriving at any satisfactory conclusion. Nothing could be more natural, for they were strenuously opposed by two ministers, holding secret communications with the enemy, as was shortly afterwards demonstrated to the public through the notoriety of their treason. These ministers, in treacherous employ, naturally exerted every endeavor to damage the republic, and through complication of affairs to augment its perilous condition. Nevertheless, all their arguments were warmly applauded by this same Señor Juárez, for they flattered his vanity by encouraging expectations as to his prolongation of his term of office.

The definite answer received by the delegation was to the effect that it would manifest to me that the government had no inclination to recall its agents, and neither did it stand in need of troops, as there were sufficient under the command of Generals Doblado and Uraga.

The delegation conveyed to me the result of its mission, and I detected the hand of treason in these machinations of the cabinet. So, was it possible that the defence of our independence demanded no further soldiery, when a foreign army was invading the national domain? Did no necessity exist for fresh troops, when the army of the east had been dissipated at Puebla? My conscience dictated perseverance in discharge of my duty as a Mexican, and as governor of Zacatecas.

Shortly after, Señor Juárez departed from the State of San Luis and proceeded to that of Coahuila, in consequence of the loss of the division under General Negrete, which served him as an escort.

About this time the deputy Don Trinidad García de la Cadena visited Saltillo on a mission from the governor of Zacatecas to Señor Juárez. Upon concluding his official business he was invited to a private interview with Señor Lerdo de Tejada, minister of foreign relations and government. Thither he presented himself, and received from the minister proposals flattering his ambition as to a military command. It was proposed to him that, upon my first absence from the city of Zacatecas, he should seize upon the governorship, supported by the troops beneath his command as a colonel. He was, moreover, informed that the government would approve of this measure, and would immediately thereafter forward him his commission as governor of the State.

Señor García de la Cadena, a native of Zacatecas, who had rendered the country signal service, both in politics and the army, refused to accept this proposition, objecting that such a course would excite a civil war within a State upon the eve of invasion by foreign force. Nevertheless, the intrigues were not as yet concluded. The same Señor Cadena, while communicating to me the narrative of his official mission, remarked: "I have noted, in all my conferences at Saltillo with Señor Lerdo de Tejada and his subordinates, that a strong desire exists for the disbandment of the troops which you have organized and are continuing to organize. They fear them, because they also dread the arrival of the period

at which the term of Juarez's office will expire, as, of course, Señor Lerdo desires to continue in discharge of his ministerial functions."

My relations in the general government were apparently in concert and harmony. The course of the war compelled it to withdraw more than one hundred and fifty leagues from Zacatecas, and experience demonstrated that it had ample need of the forces which I had been engaged in organizing.

In one or two months I raised, and equipped, and armed a strong division of the three arms of the service. They had been raised in the midst of these numerous intrigues, and against the inclinations of Señor Juarez, and served to co-operate, in more than one instance, most efficaciously for the salvation of his person, and consequently of that of the legitimate government, beside paying implicit obedience to orders received from him.

Herein are some of the consequences of the abandonment, as he states, of the presidency of the supreme court while at San Luis.

I was still within the State of Zacatecas, at the head of the division I had organized, when most reliable information was communicated to me with regard to the contemplated treason of Don José Lopez Uraga, who commanded, as general-in-chief, the flower of the republican army, in the south of Jalisco.

I repeatedly communicated this intelligence to Señor Juarez, so that he might institute effective measures with regard to this general and avoid the destruction of our army.

General Corona possessed a command under the immediate orders of Uraga. When he became aware of his superior's treason he demanded his passports and withdrew. Passing through Zacatecas, he entered into a conversation with me relative to this treason.

Corona gave to the government a minute and official narration of the affair, and placed the manuscript in my hands for transmission, which I sent forward by a special messenger. This messenger was Captain Don Marcelino E. Cavero, an officer who had likewise separated from the forces of Uraga, and who was charged to communicate other details verbally to the government.

Other chiefs, coming from the south of Jalisco, successively visited me, corroborating particulars of the affair. I was assured by all of them that full knowledge of Uraga's contemplated treason had been communicated to the government by the illustrious and patriotic General Arteaga. At a later period I found this statement substantiated in an autographic letter of that unfortunate and lamented general.

General Don Felipe B. Berriozabal, passing through the State of Zacatecas, invited me to a conference, with the intention of placing me in possession of facts connected with the treason projected in Jalisco. Urgent military business precluded my presence at the proposed interview.

General Berriozabal, without loss of time, pressed forward to the States of Coahuila and Nuevo Leon, then the seats of the government.

He presented himself thither, and gave most conclusive evidence of the existence of the treason alluded to, as that was the object of his mission. He did more—he denounced Uraga to the government as guilty of high treason. Still nothing was done. Señor Juarez made but a single reply, saying: "That if Señor Berriozabal had been invited to participate in the projected treason, it had been, doubtlessly, done as a test of his firmness and constancy."

The general, taking into consideration what had passed, and the support bestowed upon Uraga by the Señors Juarez and Lerdo, withdrew his accusation and remitted to the government a communication, very respectful, yet expressed in emphatic terms, in which he stated that either the government should investigate the charges made against him by Uraga, or he would publish documents dishonorable alike to Uraga and the government. His demand was complied with and Señor Berriozabal gave to light the communication to which I have alluded and the answer, wherein he vindicated himself, preserving in obscurity the documents to which he referred. Señors Juarez and Lerdo persistently turned a deaf ear to complaints; they regarded as of no account the depositions and information given by persons interested. The honor of Mexico, the morality of the army, the salvation of the elements for a successful defence of our independence, appeared to them of no value. It was a matter of policy to destroy these elements, created, as all the world knows and admits, by the States of the confederation through their individual energies and resources. It was absolutely necessary to demolish the sustenance of constitutional order, in order to create other elements and other agencies with the aim of perpetuating, when the time arrived, power in the hands of Señor Juarez. I state this, for I know of no other explanation which can be given of anterior facts. Moreover, I am authorized in this statement by the facts themselves, as I have heard from the very lips of Señor Lerdo, when he says: "The destruction of existing things is of no consequence; great causes save themselves. Our sole question of to-day is how to live."

Every one is aware of the manifold means at the disposal of a minister for the complication of a political situation, whereby, of his own accord, he can undermine the foundations

of public order. The secret workings of his cunning may escape the observation of the multitude, but never the penetrating criticism of the historian. Nevertheless, how much more easy the destructive task through the machinations of an arbitrary minister, versed in the art of cajoling the vanity of a dominant executive.

Located in the city of Zacatecas were two strong divisions of the three arms of service, with a formidable train of artillery; the one under the command of General Doblado, the other under my orders. Both divisions were at the disposal of the government when it saw proper to use them. Although both of these corps were located at several days' march from the plaza of San Luis, an order was given to General Negrete by the government to assail that position with the single division at his disposition.

This division was completely destroyed in the attack; subsequently the division of General Doblado was cut up by piecemeal at Matehuala; a little later mine was annihilated at Majoma.

At a conference which I subsequently had with Senor Juarez at Monterey, in the presence of the minister of war, I remarked to him that the period was not far distant when the nation would hold the government to an account for the disastrous manner in which it had frittered away the material for the national defence, through dispersing the elements of resistance by fractions, for, whatever may have been its intentions, the work of the government bore that appearance.

In August of last year the withdrawal of our forces and of the seat of government from Nuevo Leon and Coahuila was determined upon. General Negrete had then charge of the ministry of war, to which he conjoined a double employment as commander-in-chief of the army, composed of two divisions, the one under command of General Alcade, and the other under my orders—the same that I had raised in Zacatecas.

In the city of Saltillo I received orders from the general-in-chief to march to the Punta de la Angostina, at the head of the two divisions, and there give battle to the enemy, should they court it. If they avoided an engagement I was to retire the same night in the direction of the villa of Monclova. I obeyed my orders and accomplished the latter command, finding it impossible to execute the first.

A little after my retreat I effected a junction with General Negrete, whose headquarters were at Saltillo. On the morrow the government united with the forces and journeyed in company to the hacienda del Anhelito. From this point the government resolved to progress, by way of Parras, to Chihuahua, carrying along with it General Negrete, who officiated as minister of war.

The responsibility of saving our army was committed to my charge, although in an indirect manner, for I had not been nominated general-in-chief, but assigned to the command of the rear-guard, following in the wake of the government. This circumstance is to be noted as explanatory of the manner in which I was forced to assume the responsibility.

The army was absolutely destitute of commissary stores, while the military chest contained not a single dollar. Its route lay over the most inhospitable and uninhabited section of the national territory; for the greater part over a fearful desert, devoid of grain and forage for cattle. Besides, on these barren plains it was liable to be attacked and cut to pieces by the French forces for the want of the necessities I have mentioned.

It is likewise to be remembered that, if the army was unprovided with a dollar to supply its absolute necessities, it was not from want of means, which could have been provided beforehand, especially as two months had elapsed after the retreat had been determined upon.

The government had abandoned a plaza which it had occupied during several months, replete with resources, as was that of Monterey, where it could, and did, avail itself of the revenues from the frontier custom-houses of Matamoros and Piedras Negras.

I took my line of march in obedience to orders I had received. On the road I notified the government that the French army was only four leagues distant, and received in reply a written order signed by Don Sebastian Lerdo de Tejada, saying that I should abandon all my artillery and trains and limit myself to saving the *personnel* only of our army, to effect which I was free to take any measure I should deem expedient.

I remonstrated energetically to Senor Lerdo de Tejada, that acquiescence in the order I had received would in no way result in saving the *personnel* of our army, inasmuch as we would abandon the only means of its salvation in voluntarily sacrificing our war material, while at the same time we were compromising the honor of our arms. I said, however, that if, notwithstanding any opposition, the government should insist upon observance of that order, it should be communicated to me officially, to absolve me from responsibility. My argument was attended to, and the minister answered that the government approved of my determination not to anticipate voluntarily the sacrifice of material, but to await the chances of a battle. The French army avoided a conflict at that time.

I continued my march without interruption, losing, it is true, in the desert, a third or fourth part of our army, hundreds of mules, and a greater part of our munitions of war

I then gave notice to the government, located at the villa del Almo de Parras, that I had detected symptoms of a dissolution of the forces, as well from scarcity of provisions and stores as from consequences of the privations endured by the army.

To avoid that calamity, I received an order from the minister of relations not to separate myself from the body of my troops.

At the hacienda of Santa Rosa a council of war was summoned by the government, at which, after hearing the opinion of the ministers, I received the appointment of commander-in-chief of the army.

At the same time there were accorded to me extraordinary powers to procure a supply of metallic currency, of which the army stood in absolute need, with the restriction, however, of acting on this point in concert with General Patoni, the constitutional governor of Durango, in which State were located both the army and the government, who would effect some arrangement with the landed proprietary to supply the wants of the soldiers. Patoni assured me of the impossibility of enforcing contributions upon the landholders, reduced to penury through the hardship of the war. If this were true, as it doubtless was, it only went to aggravate the privations of the troops, caused the intentional want of foresight in the government. It was under circumstances of this unavoidable nature that the army, whose dissolution was inevitable, was placed under my orders as commander-in-chief. The warmest advocate for my appointment, as I learn from the minister of war, was Don Sebastian Lerdo de Tejada.

It is worthy of note, that if the condition of the army was bad when it commenced its retreat from Anhele, it grew notoriously worse, as was natural, from the causes I have related.

It is more worthy of note, that when I took charge as commander-in-chief, the coffers of the government contained thousands of dollars, reserved for its own use and that of its employes, whom it preferred to the salvation of an army whose privations had ascended to a point of heroism—an army which had been raised at a heavy cost to the States of Durango, Coahuila, Nuevo Leon, and Zacatecas.

At the council of war, of which I have spoken, I delivered my opinion, in terms perfectly intelligible to the government, that we should not destroy, by piecemeal, the material upon which we depended, and that we should take advantage of the extent of our line to harass a formidable enemy. At the same time I advised giving battle to the hostile forces, regardless of the point of attack or the number of their re-enforcements, inasmuch as, in this manner, if fortune proved propitious to us, we might capture some city of importance; and if the reverse, it was preferable that our army should be destroyed through chances of war rather than through want and misery, to the dishonor of the government and our arms.

I commenced my march from Santa Rosa, and posted myself between the States of Durango and Zacatecas, both occupied by the invading army. A few days afterwards occurred the battle of Majoma.

The fortune of war caused us to lose one of two points occupied by our troops and artillery. I retook the point only to lose it again.

The death of the brave Colonel Fernandez y Villagranta, who commanded the battalions of Zacatecas, as well as the loss of the leaders of distinction, and particularly the wounding of General Don Eugenio Castro, whom I had ordered to lead a charge of cavalry, introduced confusion among our ranks, which disorder was soon checked through the ability of our officers. Under fire of the enemy our bodies of the national guard remained firm. Evening approached rapidly, when I perceived that the heat of the conflict, the physical prostration engendered through privation, and the march through the desert, had so far worn out the national troops that I ordered a retreat. It was effected in the most orderly manner, in the full sight of the French army, who dared not follow us; consequently we left behind us but a portion of our artillery and the corpses of our brave and patriotic militia, whom we were forced to leave on the field of battle.

It is not my intention to narrate, in a detailed manner, an account of all that befell us upon that disastrous day, for those matters I have already officially reported to the government. My object is merely to connect the thread of events. Our forces retired, in the best possible order, to the town of San Miguel del Mezquital, and disbanded during the night of the same day on which occurred our reverses at Majoma. No discipline could have averted this final calamity. Every man conceived that he had discharged his duty, and that the war could be more successfully carried on in detached bodies. The only aspect for a contrary course presented to them seemed that of privation and the desert. Señor Juarez was at that time in the town of Mazas, awaiting the result of my expedition, where he was visited by more than a hundred leaders, desirous of receiving facilities and orders to continue the campaign under other auspices. But he did not wait their action, for, aware of the disasters occurring to our forces, he withdrew to Chihuahua, one hundred and fifty leagues from the place we occupied.

I committed the insignificant remnants of our national forces to the charge of Generals Quesada and Carvajal, until the government could make some disposition of them.

I gave the official notice to which I alluded, and received an acknowledgment, which ordered me to transfer the relic of our army to General Patoni, which I did. In the verbal conference which I had with the government, I made known to it that there still remained at its disposal a small escort of cavalry which accompanied me. This I regarded as my duty, and, after a lapse of two or three days, I received an order to that effect, which I fulfilled. Tacitly I remained awaiting orders, as a general, from the government; but this suspense in nowise suited me, so I notified it that I held myself ready to obey orders, and that such disposition could be made of my person as suited official inclination. I had no military commission to fulfil, and did not even possess an escort.

I would add to these particulars many other details respecting the charge made by the government in one of its decrees, that "while holding the position of a general in the army I had gone to reside permanently in a foreign land, during continuance of hostilities, without license from the government, and therein abandoning the army, its standards, and the cause of the republic," and which is likewise called the official dereliction of voluntarily abandoning the presidency of the supreme court of justice. A portion of the statements which I intend setting forth can be substantiated by reputable persons, some well known in the State of Chihuahua, and others of a world-wide repute. Other assertions bear the sanction of the government, and all observations I shall make are deducible from the state of facts. I arrived in the State of Chihuahua after the disaster at Majoma, some time towards the end of September, 1864, and remained in that State until the end of February, 1865, when I departed for a foreign country. During all this period, in Chihuahua was the seat of the general government, and for more than three months of the time above named I resided in the same city with the administration. During this period of inactivity I was tendered no command of troops to defend "the standard and cause of the republic;" neither was I offered any military commission, great or small, nor did I receive any intimation as to the manner in which my services and good-will could be rendered of value to my country, although I ardently desired employment, if only for the sake of appearances.

The government had no desire to furnish me with troops, and in this wise deprived me of opportunity to add to my influence beneath a military title; it preferred leaving me without positive support, and was blind to the privileges accorded to me by the law.

About this time it became incumbent upon the executive either to relinquish his functions, according to constitutional provision, or to furnish such an explanation of the law as would warrant him constitutionally to prolong his term of office for another year.

The 30th of November, 1864, arrived, and terminated four years, dating from the election of Señor Juárez. On that day I addressed a communication to that high functionary, through the medium of Don Sebastian Lerdo de Tejada, in his capacity as minister of government, inquiring whether it was his intention on the following day to pass over the executive power to me, as it had ceased by legal limitation; or, if the contrary was his determination, I told him to bestow upon the constitutional law such an interpretation as he might deem proper, whereby we could avoid anarchy, strengthen the exercise of the functions of the President of the republic, and leave intact the constitutional law—a law sustained by the blood of the Mexican people during a period of eight years in warfare. To such a conception, I added, I would be among the first to give my acquiescence. This he gave me on the same day, November 30, accompanied by a note which had been agreed upon at a meeting of the cabinet, and which bore the signature of Señor Sebastian Lerdo de Tejada. It decided that the constitutional term of office of President Juárez did not conclude in that year, (1864,) but would expire on the 30th of November, 1865, according to the provision of the constitution. And, notwithstanding this decision, he claims to continue exercising the functions of President, according to the self-same provision of the constitution which he has previously interpreted to have closed his career, at the furthestmost upon the 30th day of November, 1865.

I will insert, at this point, the exact words employed by the minister in his official note, in making his deductions from the premises he had laid down: "For which reason it is decided that the term of office of the citizen President of the republic does not expire until the 30th day of the next year, 1865, conformably to the evident and literal tenor of article 80 of the constitution."

In the same communication he *declared me president of the court*. I did not pretend to this declaration, for I stood in no need of it, and neither the condition of affairs at this epoch, nor the interests of Mexico, demanded it. I had been appointed by the nation constitutional president of the court in 1862, and the house had declared me to be such in a most solemn manner. The decree containing this declaration had received the sanction of the executive and been published throughout the republic.

Neither popular opinions nor the councils, municipalities, governors, and legislatures of States entertained the least doubt upon the fact of my election, and of my being president

of the court. To the nation belonged the right of appointing supreme authorities, in accordance with the fundamental law, sole source and fountain of authority with us. I did not, therefore, require any other appointment or declaration, and especially one suited for the convenience of Señors Lerdo de Tejada and Juarez in their prospects for a future date—prospects whose tendencies were far from the conservation of the purity of the law, intrusted by the nation to the guardianship of Señor Juarez.

The main object of the declaration was the destitution of the president of the court elected by the people, and the substitution of one appointed by Don Benito Juarez, who might have the power of removing him at his individual pleasure.

Such had been the intention of the government ever since it had left the city of San Luis. Latterly it had suffered no opportunity to escape it to compass its design, even when the opportunities failed to bear the imprint of patriotism.

In this wise the government acted, upon its arrival within the States of Nuevo Leon and Chihuahua, when issuing a decree summoning a reunion of the magistrates comprising the court. The summons found me at the head of my division, battling with the French troops within the interior of the republic.

It was apparent that the sole motive for the decree was the appointment of a president of the court, who should owe his nomination and creation to the President of the republic, and thereby remove the prestige derived from a popular election from the person who might, through emergency, act as the substitute of the supreme magistrate of the nation. But the decree failed of effect. Out of respect for the position I occupy, out of respect to the dignity of the nation—the only source whence can come nominations of supreme authorities, and their destitution conformably to the law—I have preserved intact the charge reposed in me by the voice of the people. Consequently, in my official correspondence with the President of the republic, I maintained the title conferred upon me by my fellow-citizens as president of the supreme court of justice.

The determination of the government to continue in office one year longer was acquiesced in by me, as I had previously anticipated that action, and my object had been simply to obtain a construction of the spirit of the law which might become a definite and decisive opinion.

I did not accept office, neither do I continue to hold it, simply for the cause of self-gratification; during more glowing and less fluctuating periods, when fortune smiled upon me with pleasing aspect, I could have obtained official dignities, if not in a manner prescribed by the law, at least in such a way as the law would countenance in a successful leader, during the stormy hours of revolutionary transitions. But I have ever abided the sanction of the popular will, as expressed in accordance with the fundamental law. At that time, as now, I have only asked that respect be paid to the law, as a foundation-stone in the column sustaining our institutions, beneath the shade of which we shall progress in greatness, as has been done in the great republic from whose borders I indite these sentences.

My official communication and the answer from the government, of which I have spoken, were published in the State journal. There was not the remotest possibility of establishing the court at the city of Chihuahua, as all the magistrates were at a great distance, save the licentiate Don Manuel Ruiz. I had, as I have observed, no military commission for active duty. In order to avoid imputation of doing aught to the disparagement of the government, and fearing lest my political influence might be seized upon to sanction meetings, ostensibly for social purposes, but in reality to distract public opinion, I withdrew myself, as it were, from commingling with the world, and sacrificed the pleasure of a social state, notwithstanding the hospitable reception tendered me by the chivalric inhabitants of that illustrious and democratic State.

From Chihuahua I addressed a letter to the President, Juarez, under date of December 28, 1854. No reference is made to this letter in the decrees of the 8th of November.

In this epistle I stated, that having terminated the business which called me to that city—that is, to ascertain whether or not his official term of service had ceased—I found myself without employment since the early days of October, when I had received orders to pass over the forces to General Patoni; that I had not installed the court, and found it impossible so to do, and that, inasmuch as the state of affairs might result in a crisis, from the fact of the President of the republic and president of the court being in one city in company, and liable to capture by the French forces, by surprise or otherwise, and in this way leave the nation without a head, I requested to be granted a license as president of the court, and a passport as a soldier, to take my way towards the interior of the republic, or to any of the populations on the sea-coast, or to travel by sea to a foreign country, as I should esteem suited to my convenience, and with the object of continuing to serve my country. I transmitted this letter of solicitation officially, omitting only those passages above printed in *italics*, which I did not think suitable to be incorporated in a public letter, notwithstanding they set forth the most cogent reasons for urging my solicitation.

My communication was read at a meeting of the cabinet and acted upon, as was natural to anticipate.

On the 29th Señor Juarez answered me in reply, saying: "There has been conceded to you the license and passport you solicited, and at the earliest opportunity the respective ministers will forward you the documents indicated."

On the 30th I received the license granted to me as president of the supreme court from the minister of justice, together with a passport, issued by the minister of war.

I insert this last document at length, because in the decrees of Benito Juarez an intentional omission has been made with regard to the fact of my having a military passport when I left the country, so that an accusation could be brought against me that "I had gone voluntarily to reside in a foreign country during the continuance of hostilities without a license from government, thereby abandoning the army, its standard, and the cause of the republic."

SECRETARY OF STATE, DEPARTMENT OF WAR AND MARINE—SECTION FIRST.

Upon this date the minister of justice, protection, and public order, makes known to the citizen president of the supreme court of justice as follows:

"In accordance with your petition, relative to having a license granted to you as president of the supreme court of justice to pass to a point unoccupied by the enemy, with the aim of continuing to defend in arms the independence of the republic of Mexico, the citizen President has seen fit, in accordance with a meeting of the cabinet, to accord to you that license for a definite period, or until you present yourself at the seat of the government, or when the government shall call upon you to return, or bestows upon you some commission—leave, in the mean time, to proceed, either directly or by traversing the sea, or through some foreign country, to points of the Mexican republic unoccupied by the enemy, so that you can continue defending the national independence with the forces you can raise, with the understanding that in all military undertakings you institute you are to act in concert with the governor and military commander of the respective States, or with the leaders of the republican forces, so that, in conjunction with those raised by you, you can harass the enemy, but subordinate to the officers of the supreme government, or to the agents to whom such power has been delegated.

"I convey to you the official answer to your solicitation of 28th of the last month, and I have the honor of corresponding with you for the purposes mentioned. It is transmitted to you on behalf of the department of war.

"Independence and liberty! Chihuahua, the 30th of December, 1864.

"M. NEGRETE.

"The General of Division JESUS G. ORTEGA, *Present.*"

From the literal tenor of the document inserted, it can be adduced—

Firstly. That I had a license, as president of the court, and a passport as a soldier, to traverse foreign countries. Subsequently will be shown the reasons inducing me to dwell outside of the country.

Secondly. I had no definite orders to raise this or that force, or to collect together the elements of warfare within this or that period of time; neither was there any time fixed for my reaching Mexican territory, after traversing the sea and sojourning in foreign lands, with the sole provision of defending, upon the national territory, the independence of the State, leaving me free to proceed to any point which I might consider the most proper.

Thirdly. The license accorded to me, in pursuance of the decision of the cabinet, was for an indefinite period of time, either until I should present myself at the seat of government, or be recalled, or have some official charge conferred upon me, thereby demonstrating that neither as president of the court nor as a general in the army were my services for the moment required; yet, nevertheless, it is apparent that in either or both of these capacities my absence at a distance from the seat of government was desirable.

Fourthly. The government, instead of giving me authorization to raise forces in any part, or to collect war materials at a definite position, as it had done for a hundred other persons, and notably for guerilla chiefs, destitute of popular morality, issued to me a simple passport for the purpose of travel, inserting, however, a provision that the forces which I might raise should act in conjunction with the governors and military commanders, and with the chiefs of the republican forces, without interference with the exercise of military and political functions of the officers of the supreme government or their delegates; that is to say, that the government precluded possibility in my raising of forces, for how could a governor, having lost the capital of his State, secure resources or material to make head against an emergency? What faculty had he to procure them against delegated authority, where power so to do had been denied by the supreme government of the union? Could a delegate of the government, or even his subordinate, sustain me when my circle of action was reduced and limited? Could there be placed at my orders a solitary captain of guerillas,

who might serve as a centre for forces which I might raise and discipline for a larger body, when the government provided in my passport that I should act in conjunction with him?

I have demonstrated that I had in my possession a license to traverse the seas to a foreign country. I have, moreover, demonstrated that I was recognized by the nation as president of the supreme court of justice, a duty which I could not exercise in a judicial capacity, through the impossibility of convening the court, but a position which I considered solely as the substitute President of the republic, according to the provisions of the law. I have moreover, demonstrated that I had no military employment, neither army nor forces, be their number ever so small, nor even the material of warfare, thanks to the official opposition of the government.

I was not annoyed at this disposition in the executive, for I expected and was prepared for it. The services which I had rendered to my country had bestowed upon me influence, and that influence opposed personal aggrandizement. In remembrance of recent transactions—transactions which had presented to me many difficulties, which I had surmounted—I was induced again to proffer my sword to my unfortunate country.

In view of intelligence from the interior, and of the disposition of the government, I determined to retire to a distance from it. I distrusted myself. I was uncertain of that which was best for the future of Mexico. I desired to be perfectly correct, and sought light.

I addressed myself for counsel to two illustrious and patriotic citizens in whom I had confidence, and who formed a part of the circle of the government of Senor Juarez as his most zealous partisans, and I supposed them, as was natural, cognizant as to the emergencies of the times. Moreover, they were clothed with an official capacity as members of the general congress. They were Senors Don Guillermo Prieto and Don Francisco Urquidí. Both were of an opinion that my best course was to proceed to the United States of America, inasmuch as from a port in that country I might journey to Acapulco, by the way of the isthmus of Panama, and thence enter the republic from the Pacific coast, and in the mean while I might ascertain in the great republic what could be done for the Mexican people.

I accepted the suggestion and commenced my journey. Permit me to remark that the government was in nowise ignorant as to the course I had adopted; on the contrary, when I reached the custom-house at the Paso del Norte, I found an order to pass my baggage to the United States, which had been granted at the solicitation of my friends.

Thence I went to Santa Fé, capital of New Mexico. The authorities of that Territory informed me of the presence there of a stranger, a Hungarian by birth, who represented himself as a special commissioner of the Mexican government to recruit volunteers, to negotiate a loan of some millions, hypothecating the imports of the Pacific seaports. It was, moreover, asserted that his credentials were apocryphal, taking into consideration that he was a foreigner, unknown to the Mexican residents, and the fact that nations seldom, according to universal custom, commit such trusts to other than their own citizens. On this account I deemed it advisable to institute inquiries, so that if the man should prove an impostor I should cause his arrest and extradition to Mexico.

My anterior acquaintance with this stranger, name Jaymes, was through a letter of introduction, representing him as a colonel, soliciting employment in the division beneath my command in that capacity, but which I refused, as I was unaware of his antecedents. The information I subsequently acquired was that he was among the number of adventurers who travelled the world seeking glory and fortune. I saw him three or four times.

I made investigations into the character of his commission, which I found, in many respects, ample and correct, emanating from Don Sebastian Lerdo de Tejada. He was authorized to raise two thousand men in foreign parts, as well as the sum of several millions, hypothecating for its repayment the revenues of several custom-houses on the Pacific coast. The evasive talents of Senor Don Sebastian Lerdo de Tejada being notorious, it is supposed that he designed merely to cover appearances when he bestowed upon this stranger such ample authority to accomplish great things, when he was confidently convinced that he could do nothing. I explained to the authorities of Santa Fé the nature of the commission bestowed upon the Hungarian gentleman, and returned thanks to them for their zeal in favor of Mexico. I arrived in the centre of the United States during the period of the termination of the great civil war. The press indulged in favorable comments upon my arrival, and expressed profound sympathy with the cause of Mexico. It was likewise so with the entire continental press, and that of Europe. It was believed in the United States that I had some authority from the government, seeing that the period for action was opportune, as in fact it was, that a demonstration should be made in support of Mexico and her independence. The enthusiasm of the Americans in our favor and in support of the Monroe doctrine was intense.

On my passage from New Mexico to New York I was beset by thousands of persons tendering their services and influence in favor of Mexico, many of them being of the highest social and political position. Generals with a most honorable record, commanding divisions

and brigades, whose term of service had expired, volunteered to place themselves under my orders, to further our cause.

The passage of the Rio del Norte could be easily effected without impairing the neutral character the general government at Washington had assumed with respect to the Franco-Mexican question. I was, moreover, visited by several bankers of the highest position, who inquired as to the possibility of establishing an agency to supply our financial wants and that of warlike material. Persons who represented that they had authority to act on my behalf, which they had not, enlisted, within a few days, thousands of men to go to Mexico; but, as I have said, I gave no sanction to these acts, as I did not wish to lead home a filibuster expedition.

Without loss of time, on the 8th of May, I addressed a letter to Señor Benito Juarez, announcing my arrival in the United States, the manner of my reception, and a view of what could be done in favor of Mexico. Besides, Señor Juarez was aware of all this through the newspapers. I wrote, moreover, that I would pledge myself to enrol and equip, on my own part, any number of volunteers he might deem advisable; that I would collect war material to carry on hostilities, as well as an abundant sum of money, so as to be able to elevate the character of the war and turn it to a fortunate account. All that was requisite to consummate these projects would be his authorization, for I was unwilling to conclude any contract or enter upon any enterprise without the sanction of him to whom the nation had committed emergent powers. I offered anew my individual services to Mexico. I furthermore suggested that, should he be unwilling to accord me the desired authorization, he should apprise me to that effect, that I might govern my subsequent actions accordingly.

I communicated these details in a private epistle, and not in an official note, for I at that time held no official commission. This matter was one of mere form, and had the correspondence resulted in anything, the results would have been the same, irrespective of the style of communication employed.

I appointed a delegate to deliver personally this letter to Señor Juarez, having previously made him aware of its contents. This task was assumed by Don Guillermo Prieto, administrator general of the post office and deputy to the congress of the union. It will be remembered that I had quitted Chihuahua in the month of February. It will be remembered, likewise, that my journey across the plains to New Mexico had occupied two months, for it had been undertaken during the winter season. It must be furthermore remembered that a period of from two months and twenty days to three months is necessary for the transmission of an answer to a correspondence between the city of New York and Chihuahua, and even then under favorable auspices as to transit, for it is only during the summer season that post coaches can travel with rapidity. On this account I did not receive the answer from Don Guillermo Prieto until the commencement of August last. In this letter that gentleman stated that he had fulfilled my commission; that Señor Juarez had listened with attention and interest to the details of my letter, as communicated verbally by Señor Prieto, who was given, as he supposed, to understand that I should receive, by the next mail, the authorization I desired. The conclusion of Señor Prieto's communication conveyed to me a felicitation touching my patriotic sentiments. "Whether or not," he wrote, "the government accepts of your services, whether or not it renders your project of utility to the country, you have assumed one of the most noble and disinterested tasks of a Mexican, in discarding all ideas of a personal reward, while endeavoring to strengthen the action of the government and, without seeking to create a new candidate for political honors, to strive to have Mexico continue, with unanimity of will, defending the cause of right, guided by a solitary intelligence—that of the legitimate government." With a subsequent mail, towards the end of August, I received a further communication from Señor Prieto, which related to me that notwithstanding his previous impressions, it is now apparent to him that the government did not intend to bestow upon me the authorization; but whether or not, I should receive some response from Señor Juarez. Vainly I awaited its receipt by the next mail and the one following. It was in September, and my anterior correspondence had incurred no interruption. I waited upon Señor Romero, the Mexican ambassador near the government of the United States, and inquired whether any communication had come through his hands for me from the government of the Mexican republic, and he answered in the negative.

I comprehended from all this that Señor Juarez never would answer me, nor did ever intend so to do. He believed that had I received any such document it would have served to refute the fallacies upon which are based the decrees of the 8th of November; which said documents, I verily believe, were at that very time in course of fabrication at the paper mill of the minister, Tejada. I comprehended, moreover, that these negotiations were being carried on with the sole aim of detaining me in the United States, so that by putting in play the jugglery of bad faith, it would be impossible for me to return to Mexico before the first day of December.

It would be futile to vindicate my conduct to my fellow-citizens as against the charges promulgated in these decrees, for a critical examination of them, through the impartial light of reason and philosophy, renders such an explanation unnecessary. These same decrees declare illegally "that there exists cause to proceed against me," and add most falsely "that I abandoned voluntarily the office of president of the supreme court of justice, and that, holding the position of general in the army, I went to reside permanently in a foreign land during the continuance of hostilities, without license from the government, and therein abandoned the army, its standard, and the cause of the republic;" while in those same decrees, I repeat, wherein Senor Don Benito Juarez declares himself President of the republic, he likewise declares that neither the constitutional president of the supreme court, nor the President named by the constitution, shall enter upon the functions of their office. This is the sole and simple object which dictated the promulgation of these decrees.

If I had acted as Senors Juarez and Lerdo have acted, trampling under foot republican principles, outraging constitutional order, violating the solemn obligations of an oath assumed for the welfare of the people, I would have done better to imitate the *coup d'état* of Comonfort, alleging as a pretext, as has ever been alleged, the salvation of Mexico; for the scandal would have been the same, the lack of loyalty to the people the same, and the political results the same. A single difference might be detected: in the *coup d'état* of Comonfort there was but little frankness and civil valor; in that of the 8th of November even these qualities were wanting, as in their stead were substituted words and sophisms, which, although insulting to popular intelligence, fail to deceive the people.

I abandoned the standards of the army and the cause of the republic, say Senors Juarez and Lerdo—in other words, that I betrayed my trust. And this is set forth in a document wherein they betray their own, the gravest trust which could be committed to mortal man. To extenuate their own transgressions they confuse me individually with another capacity—that of the person prescribed by law to succeed to exercise of the supreme power. I to abandon the standard of the army and the cause of the republic! Can it be imagined that an humble citizen, called by the will of the people to assume a position of the highest dignity, and that without intrigue and solicitation on his part, would voluntarily depart from the rules of honor and decency? Can it be imagined that an humble citizen, freely assuming his place among the ranks of the nation's defenders, disdaining the joys and pleasures of a peaceful hearthside, contemning the luxuries of a home and the flatteries of a social position to struggle in the cause of liberty and order, would voluntarily abandon the principle of honor which called him into being as a soldier?

What man would desert the executive chair as governor of a State? What man, already honored through the nation's voice with the high dignity of president of one of the supreme powers of the United States of Mexico, would go forth to battle against foreign invaders of his country, would defend the walls of a city wherein he was taken prisoner while defending his flag, and at the last hour abandon the cause of duty and honor? What man, escaping from a dungeon and liberated through honorable means, would offer his sword and patrimony to the service of his country, would contend against intrigues and difficulties, would levy forces after forces to hurl against the invaders wherever they appeared, and in the hour of national trial basely desert the army, its standard, and the cause of the republic? How can it be pretended that I fled, abandoning the presidency of the court, when I was travelling for the good of the country, with the license of and a passport from the government? When in that license and passport there had been committed to me no trust to fulfil, no duty imposed wherein I could make default, was it a crime to intimate to the government that in the position in which I found myself I could do much, very much, towards the salvation of your and my native land? Was it a crime to reiterate, time after time, that my person was subjected to its orders, so that my services could be rendered useful to the common weal, and all this without having been favored with a response to the epistle I sent it?

In what did I neglect my duty as a Mexican? Wherein, yielding to the emergencies of my position in a foreign country, did I make default in any order, when leaving all projects I made to the satisfaction of the government? When the government received my despatch it should have answered frankly and openly that the country had no need of my services abroad, and indicated to me the route I should take to return homeward. Had that been done it would have been nearer the truth when it declared to the nation that I remained abroad permanently, although neither before nor after did I receive the least intimation that my presence was necessary upon Mexican soil. Is not an imputation of this nature a pure calumny? Is it worthy the dignity of the government? Will such weak inventions, to be detected by those unversed in political matters, satisfy an accusation in the eyes of a people acquainted with the fundamental principles of the law? Can any man fail to perceive in the decrees and the circular which attempted to divest me of the responsibility and functions of the president of the court, and nominated another in my stead, a declaration that neither I nor he could succeed to the supreme power as provided for in the

constitution? Who fails to perceive, I repeat, that all these documents have a single object, a single aim—that of perpetuating power in the hands of those issuing them? If my presence was necessary, as Senors Juarez and Lerdo would have us understand, to prevent the State from being without a head, why concede a license for an indefinite period of time, and which, from its literal interpretation, suffered me to traverse seas and to journey to foreign lands? If emergencies unknown at the time of granting the license occurred subsequently, why was I not recalled? It is only in frank and truthful actions that a loyal government can account for the trust committed to it by the popular will. If, as has been pretended, the independence of Mexico required exercise of all human energies; if to its cause all other interests should have been made subordinate, why was denied me the authorization I desired, through which, in a foreign land, I might have proved of advantage to Mexico? It was because it was feared that I might acquire influence which did not suit the interest of others; ill disguised as it is, the fact is true.

To what other cause can this be attributed? Was it because the government had need of my services to take the head of affairs, should a vacancy occur, or was it to fulfil my judicial functions? It will be seen that the court had never assembled, for it was impossible for it to do so; it will be seen, moreover, that I had a license and passport to leave the seat of government and traverse territories and seas to a foreign country. Was it because the government conceived it necessary to intrust to me some commission of national utility? It will be seen that I had no employment at Chihuahua, nor when I quitted that place. Was it because the government had not received my letter? It is proven that the letter was received, as well by the testimony of Senor Prieto as by that of numbers of other respectable citizens of Chihuahua. Was it because there was lacking in me aptitude, representative ability, or national confidence? Possibly I may have been wanting in the first, and confess it ingenuously and in all modesty, but perchance the deficiency was not perceived, when states, governors, and the people have honored me with evidences of their confidence in my representative ability.

There can be wanting neither representative ability nor national confidence in a man who has been elected deputy to the constituent congress of Zacatecas and the federal union; to one who has acted officially as minister of war; to one who has been elected, by popular suffrage, governor of one of the principal States of the republic; to one upon whom has been bestowed, by the General Don Santos Degollado, the most ample functions for the military command of the States of San Luis Potosí, Durango, Aguas Calientes, and Zacatecas; to one who, a little while thereafter, had been appointed general-in-chief of the federal army of the republic, and charged with extraordinary powers for finance and war; to one to whom we are indebted for the definite triumph of reform and legal order; to one who has received, during this emergency, the military command of the States of San Luis, Aguas Calientes, Zacatecas, and Tamaulipas, with extraordinary powers for war and finance in the three last, together with every branch of administration for the government of the former; to one unto whom has been confided the command in chief of the army of the east, and invested with the full authority necessary to govern the States of Puebla, Vera Cruz, and Tlaxcala; to one to whom the popular vote has conferred the presidency of the supreme court of justice; to one upon whom the popular voice has concentrated as among the candidates for the presidency of the republic. No; against a man who has been intrusted with all these dignities cannot be charged lack of representative ability or national confidence—which cannot rationally be expected in a stranger who holds in this country neither position nor family, and to whom the welfare of Mexico is a matter of perfect indifference.

It was during September that I prepared to leave New York for Mexico, when I was detained by an order for my arrest upon civil process, as was noted by the newspapers at the time.

I believed that the order would have been disposed of briefly on account of the manifest injustice of the claim, which was decided afterwards as unjust according to the legislation of this country. I pressed the matter forward, but it was retarded by the intricacies of the law, exerted to my disadvantage. The hand of intrigue put in motion all the springs to obtain that object, assisted by that of treason. All concluded, finally, through the honesty and impartiality of the judges, who dismissed the complaint on the 3d day of November, when the order was revoked. The latest letters received in New York from El Paso del Norte intimated that the government was to remove to the frontier post of Piedras Negras. Thither I proceeded, and there received notice that Senor Juarez had retrograded to Chihuahua, as the French had evacuated that city. At the same time I received some vague intelligence concerning the decrees and circulars of the 8th of November.

While in Piedras Negras I addressed a letter to Don Andreas S. Viesca, invited him to an interview, and awaited his coming upon this side of the river, at Eagle Pass. Senor Viesca was a chivalric, honorable, and intelligent man, and, I believe it useless to add, appointed governor and military commander of the State of Coahuila by Don Benito Juarez, by virtue of the extraordinary powers conferred upon him.

Senor Viesca presented himself at the conference, and alluded to the circular and decrees I have mentioned, and desired to learn, in his official capacity, which he held on behalf of the nation, in what light I regarded the circular and decrees of the 8th of November. I replied that for my part I did not come to disturb public order; that I had travelled alone and *incognito*, having refused the forces tendered me by my friends, as well as the use of orders and recommendations from most distinguished persons in the United States, who had offered me an escort while upon American territory; that I desired Mexico to regard an exhibition of this nature as a testimony of its political advancement in the republican system; that I would present myself with no other forces than my own support, without other title than that given by the law, and trusted that Senor Juarez would deliver over to me the supreme power, for no other reasons than those assigned by the provisions imposed upon him by that same law.

To the honor of Mexico be it said that it had already witnessed a spectacle of this character when a victorious army, flushed with success, called Don Benito Juarez, president of the supreme court of justice, to the presidential chair, which he acquired through no other title than that given him by the law, the same as the republic confers upon other citizens. Senor Viesca stated to me that he had no desire to enter upon an official conference, neither would he touch upon the question of legality; he would only say to me that he had received an order, decree, or circular, to warrant my arrest, which had, as he said, been issued by the government of Don Benito Juarez within appropriate time—that is to say, during the month of November; that he was disposed to obey the summons and to make the arrest. His secretary added, “not only to make the arrest, but to cause me to be shot.”

I replied to Senor Viesca that it was necessary to terminate, in a decorous and dignified manner, a question so deeply affecting the interests of Mexico; that it was requisite that he should allow me to pass through the State he governed, thence to travel to Chihuahua, with the aim of seeking an interview with Benito Juarez, so that I might demonstrate to him by word of mouth the evils which he would cause the nation, should he persist in the course he had taken, or whether he could not remedy the error he had committed. I told him, finally, that if he would assume the responsibility of the step I indicated, I would cross the river and place myself within the State of Coahuila, and not upon foreign territory, where he would be at liberty to arrest me, dispose of my person, or take me prisoner to Chihuahua, so that I might demonstrate to the nation that I comprehend my duty, and would comply with it.

Senor Viesca refused to accede to my proposition, but indicated to me that I might pass through Chihuahua by the plains of Texas.

In fact, there had been issued an order, decree, or circular by the government, the exact form of which had escaped me, but whose contents I remember, authorizing the arrest of those sojourning in a foreign land without special leave from the government, and those *who were living abroad by leave from said government given to traverse the foreign territories*. This order, decree, or circular had for its object my person, and, although unjust, it was legal on a certain point, for the convenience of the government *de facto*, but at the same time general. A multitude of leaders and officials had previously abandoned the government in Chihuahua after rendering long services, without resources, but with hearts filled with faith, at the advance of the French troops towards that city, which they deserted to go across foreign territory, and thence to return to the country to continue the struggle for independence. Others had suffered privations on the frontiers of Mexico, after fighting with bravery; others again went involuntarily into foreign countries, either to cure their wounds or to gather fresh strength to continue in the struggle for our liberty.

With ample concurrence of the government, many of the most influential men of the country had gone to foreign territories; notably, General Don Placido Vega, who held a commission, I believe; General Don Pedro Ogazon, General Don Manuel Doblado, General Don Felipe B. Berriozabal, who extorted a passport to reside in a foreign country, and many others of more or less influence, some with passports and others expelled, or forced out by the government. A general who had lost his army, raised by his individual efforts, and could have raised more had he not been beneath the ban of the government, did not declare that he went forth to engross the files of treason, neither was he exiled to a foreign land, but forced thither by more efficacious means. In place of giving him troops, for the government had none, or the means of raising and organizing them, it placed him in a humiliating and undignified position, to which the government contributed from its seat, successfully erected in city after city. This conduct resulted in weak men, without restraint upon their passions, augmenting the catalogue of traitors, both as military men and politicians, while others of the refugees went forth into foreign lands, protesting to the thinking world against the invaders of their country, and against the government, whose imbecility rendered it responsible for these shameful disorders.

I had frequently spoken to Senor Juarez as to the bad impression caused by this exode of influential persons, and prayed him to put a stop to it in the most determined manner. At

that time General Doblado and Colonel Rincon Gallardo, both governors of the State of Guanajuato, quitted Monterey. But he did not decree at that time against the evil, as he has now done, when his object is to entrap my person.

Placing my hand upon my heart I have inscribed this manifesto, and have asked myself many times, has it not been done for the best interests of Mexico, my place of nativity, the receptacle of the ashes of my forefathers, wherein is preserved all I hold most dear and sacred, memory of my past and present—and are not my conclusions justifiable? My conscience answers in the affirmative. I have defended the government of Juarez with the loyalty of a gentleman, with my sword and my voice, for six or seven years; I have sanctioned it with my signature; I revered it as that of my native land, while loyally supporting the standard of the law, the palladium of public rights; but I do not honor those who make a burlesque of their fellow-citizens, who break through the obligations of their oaths, who betray the law, be they called either Comonfort or Juarez. I neither honor, nor will I ever honor, those who dishonor my country, who have made it a scoff to the world, asserting through example that Mexico has no laws which cannot be trampled down at the will of a mandarin, although at this very time Mexico is deluged with the blood of her children, in defence of the banner of law and order.

I have been one of the chieftains of the people. I have raised thousands of men to go forth and battle for the principle of legal order against one of the most powerful nations of the earth; I have seen the blood of my countrymen wet the soil of their birth; I have seen the resting-places of the dead desecrated, our towns and cities pillaged and burned, and all this in defence of that principle. I have, therefore, a double duty which my conscience dictates, in view of these numerous and sanguinary sacrifices.

I have not heaped upon the government useless or unnecessary charges, dictated by a personal sentiment. The public is my judge, before whom my writings will be exposed, when the heat and anger of passion have passed away. I have defended law and order because it was my duty; if others have been remiss in their duty, it has been no crime of mine to remain silent. I have defended my person, not as an individual, but as an officer charged by the public will with the salvation of a principle. I have retraced at length the errors committed by the government, and for its personal motives, but not until that government has consummated an official act which tends to destroy the law in the place of preserving it. I have protested against this act, that the people shall learn the errors of past and present government, so as to draw their conclusions from experience gained by the nation during a brief but melancholy apprenticeship.

I have no desire to tarnish the glory of my country. Glory, indeed, belongs to a nation which has maintained a four years' struggle with a powerful enemy, who has used every endeavor to divide its defenders and maintain a ceaseless combat. Glory, indeed, belongs to a nation, not one of whose states, towns, or cities has given adherence to intervention unless beneath the presence of foreign bayonets. Glory, indeed, to a nation who has preserved its cities, ever open to the access of the authorities, even if they do not come at the cannon's mouth, but in the name of the law. Glory to a nation who, having lost its army, without moneys, stores, or material, improvises bands after bands to rally around the standard of independence—of heroes, born with the emergency, springing from the bosom of the people and willing to lay down their lives in a martyrdom for liberty.

Neither have I tarnished the glory of Señor Juarez, who has himself destroyed it, and with it his previous good fame. His glory was that of a governor who should have placed himself at the head of his legions to show to his fellow-citizens, by his own example, how to defend the independence of the country or perish in the attempt.

But he exercised no judiciousness in the selection of persons, for we have seen generals in a foreign land, who had served loyally and patriotically, remain without their services being rendered useful to the country, as well as those who had filled high official positions. We have seen governors, who had faithfully performed the functions of their office, superseded by others of his creation; moreover, we have seen generals, ministers, and governors, named by him, deserting to the cause of treason. The glory of Benito Juarez was derived from the democracy, which ever progresses with reform and liberty—from that government of the people which takes the law as its guarantee.

If, then, Señor Juarez has tarnished his own glory by following in the footsteps of men travelling on the wrong road before him, I am not the only Mexican who has involuntarily obeyed the instinct of duty and narrated that which the government has done by its own acts. Nevertheless, the glory of Mexico remains immaculate, for it cannot be stained by the errors of a man, nor decried by the intrigues of others.

Mexicans, I believe that I have fulfilled the obligations I contracted with you. I believe I have done so during this solemn trial of the country, when prudence should dictate conciliation with those remedies required to rectify infraction of the law.

Fellow-citizens, believe me, I speak from my heart. If the salvation of our common country demands as a sacrifice on my part that I shall never again tread the blooming turf

of my native land, nor breathe the balmy air of its sunny clime, and no longer defend in your midst our nation's banner, cheerfully will I submit to the sacrifice, and seek a death-spot in some foreign land. But if, on the contrary, you believe that the cause of law and order has need of my presence as a rallying point, if you believe that my coming to Mexico will dissipate the evil consequences inflicted upon it by the government, I am yours through the convictions of honor and duty. Act with circumspection, and whatever you do, let it be to reclaim the honor of Mexico, and you will work out its salvation.

JESUS G. ORTEGA.

SAN ANTONIO DE BEXAR, December 26, 1865.

No. 2.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, May 10, 1866.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—GOVERNMENT BRANCH—SECTION FIRST.

Circular.

On account of the decrees communicated to you on the 8th November last, one in relation to the extension of the term of office of the President, agreeably to the spirit and letter of the provisions of the constitution, as long as war prevents a new election, and the other touching upon the responsibilities of General Jesus Gonzalez Ortega, he has addressed a protest to the undersigned and a manifest to the nation. The protest is dated at Eagle Pass, in the State of Texas, the 21st of December, and the manifest is published at San Antonio, Texas, in the United States of America, on the 26th of the same month. General Ortega was living in that country at the time, and had been there for a year, without a commission or license from the government, while all good citizens of the republic were fighting for its independence and its institutions against foreign invasion. I have not received the protest, but have seen printed copies of it and the manifest in the hands of private individuals. I will not wait to receive the protest in order to notice it, for, in October, 1863, General Comonfort, then minister of war in San Luis Potosi, wishing to correct some errors in a printed document published as an official report of military operations at Puebla, waited some days, during which time he was killed by the enemy, and the despatch was published some time after by General Ortega, in Zacatecas, addressed to the minister of war, and it was never received by the government.

General Ortega could not refute the principles of the decree and accompanying circular in his protest and manifest. He pretended that they were not worth noticing, and only said he wanted "to give the nation the sense of, and a commentary upon, our constitutional law;" and added: "Whenever legal principles and solid reasons are wanting, we must use any other arguments to support our cause." General Ortega certainly did not wish to examine the subject logically; he only wanted to evade investigation, and he pretended to assert that the legal principles and precepts of the constitution were at variance with our constitutional law.

Avoiding a proper discussion of the subject, he continued: "I now have to treat of facts alone." That means he perverted the precepts of the constitution; invented precepts it did not contain; concealed some facts and distorted others, inventing many, so that his manifest might appear a plausible document, satisfactory to his revenge, when, in fact, it is an infamous libel, full of calumny and vituperation.

The sole object of this circular is to correct what General Ortega said about public acts, which he misrepresented; and from it may be gathered what he would write in his manifest, which most probably is also a gross libel on private acts and intentions. The government ought not to descend to such a level, and Ortega has disgraced himself by the condescension. He said he would not contest the principles of the decrees, but would adhere to facts; yet, knowing this would satisfy nobody, he pretended to controvert, indirectly, a few of the precepts in his manifest, but did not allude to the first decree.

On the 30th of November, 1864, General Ortega, then in Chihuahua, demanded the government of the President. He alleged that, in case of an extra election, article 80 of the constitution said: "The President will perform his functions until the last day of November of the fourth year from the time of his election." According to that, a President elected in 1861, and taking his seat on the 15th of July of that year, Ortega seems to think that 1864 will make the fourth year after the election.

Among other arguments used to him at that time, I told him that, as a year could not follow itself, it was evident that 1862 was the year to follow 1861, and 1864 could not be

the fourth following, but the third, so that the presidential term would close on the 30th of November, 1865, by the literal tenor of article 80 of the constitution.

General Ortega quoted the same words in his manifest as a contradiction to the government when it extended the presidential term. Without contesting the motives for this, he tries to make the declaration of the presidential term and its continuation as opposed in principle to each other, when he does not regard the difference of circumstances—that war prevented a constitutional election.

The simple meaning of the words refutes his argument. The extension of the presidential term was beyond the ordinary closing of it; presuming, of course, an official ending, otherwise the functions could not be prolonged. The decree of the 30th of November, 1864, stating the duration of the office, so far from prohibiting an extension of the term of office, provided for the case in which it would be necessary and expedient. In the decree it was expressly stated, "that the powers and authority of the President were extended beyond the constitutional term, till another could be elected, or as long as the situation caused by the foreign war prevented an election." I explained in the decree why the extension of office was necessary; then it was to be determined what was to be the time of office. The government could not anticipate events of war, and so could fix no time for a new presidential election; and I therefore declared the government reserved its opinion in regard to extension, "because the time for elections had not arrived, nor could it be seen when the war would allow elections, and so the decree was proper and legal, by the letter and spirit of our institutions."

General Ortega said all he could against the acts of the government, to deceive those who had not read the resolution of the 30th November, 1864, and the decree of the 8th November, 1865; but he cannot deceive the intelligent, who readily perceive the spirit of his manifest.

He knew from the first why the presidential term was prolonged, and did not pretend to protest at the time, nor make a single objection to it; neither did he demand the reins of government on that occasion; on the contrary, when he did petition for power, he knew the opinion of the government in regard to the close of the presidential term, and he promised to abide by the decision it made. It is thus shown that his petition was a mere form to save himself from responsibility.

He afterwards said the time was out already, and the President had not another year to serve, and he quoted several articles of the constitution to support his assertion, saying, "our political pact has fixed it in very clear precepts," and added: "As the president of the supreme court of justice is elected by the people, the only source of authority among us, he is the person to succeed the chief magistrate in the exercise of his thorny and difficult duties, in case he is in default;" and he also says, to fulfil this honorable duty, he would wait till the 1st of December, if other reasons did not compel him to speak before that day.

The other reasons considered at that time by General Ortega as above the plain precepts of the constitution, and the duty imposed upon him by his honor, the law, and the national vote, were to remove all cause of discord, "to remove ills that might happen to the dishonor of the country, under existing circumstances, and to secure power, if possible, in the hands of him who had the right to exercise it." Considering the reverses and misfortunes of the republic, General Ortega's last thought is found in his communication where he says:

"If Mexico must fall in her struggle with France and a few discontented sons, let her fall decently, shrouded in her flag, and not leave a trace of suspicion that her fall was caused by discord among the defenders of her rights."

In November, 1864, after the Majoma disaster, the government had to move to Chihuahua, because intervention seemed successful almost everywhere. There was yet no opposition made to it abroad; and at home many began to think they would be obliged to submit to it.

In December, 1865, those of little faith began to have hopes of the republic. The civil war in the United States was over; and that war was the real origin of intervention. It was seen at home that intervention could not last long, because it was hated by all good Mexicans, even those who had pretended to adhere to it. The struggles of the last year had encouraged the faint-hearted, and the number of the heroic defenders of the republic had greatly increased.

In November, 1864, General Ortega did not protest against the design of prolonging the presidential term, which was made known to him. He said, at the time, that the reins of government ought to be given up to him, but he would not resist if it was decided he could not hold the supreme power. He said the law, the national vote, and duty were in his favor, but he would not insist, because it might bring discord into the republican ranks. Thus he spoke to the President, who, he said, "was a man that had honorably fulfilled the precepts of the law."

He next declared that he wished to battle in the interior of the republic, and asked to go inland, by sea, through a foreign country. Permission was given him to pass through a

foreign country. He accepted it and left. Once out of the republic, he remained abroad without leave or commission.

In December, 1865, General Ortega crossed the Mexican border and published his calumniating protest and manifest against the government. He remained two months in the United States, till he found the defenders of the republic did not intend to support him, and then he went to New York to reside. He had already resided there one year, without leave or commission, after resigning his place as president of the supreme court of justice, giving up his rank as general, and deserting his flag and the cause of the republic. It was then decreed, the 8th November, that he would be subject to trial by court-martial when he returned to Mexico.

General Ortega does not pretend to deny that he was away without leave, but he excuses himself, he says, in a private letter to the President, the 8th May, 1865, asking for some commission abroad.

He says he sent the letter by a person who lived in Chihuahua, and got two answers, one in August and one by the following mail, from the bearer of the letter, the first answer encouraging him to expect some commission abroad, and the next informing him he would get nothing. General Ortega well knew the government would give him no commission abroad, because he was president of the supreme court, and might succeed to the presidency, and ought to be at home. He was permitted to pass through a foreign country, but not to reside in it, and he knew the government was well represented abroad.

What he says in his manifest about mail delays may be true, for the government was very busy at that time, on account of General Negrete's defeat in Coahuila, New Leon, and Tamaulipas. Brincourt was advancing on Chihuahua with a large force, and it was necessary to watch his movements in that quarter.

The President had to leave Chihuahua on the 5th of August for Paso del Norte, and as soon as he reached there he wrote to General Ortega. This was on the 7th September. He did not write sooner because business prevented, and he did so then from mere civility, for the proper answer to his letter of the 8th May was given by its bearer.

General Ortega denies having received the President's answer, but says he heard from him by the bearer of his letter. His only excuse for remaining away is in his said letter, where he asks for a commission to allow him to remain abroad. He knew very well he could not obtain such a commission, and he ought to have known his duty better than to allege such excuses. The petition was in a private letter, and he says he did not think it necessary to write officially, though he did so when asking leave of absence from the republic.

This is one of the many contradictions in his manifest. In another place he says the government is prejudiced against him, and wanted to turn him out of his place of chief justice; that all sorts of opposition was made to his advancement. One of these is his commission, given the 30th December, 1864, to fight the enemy in the interior of the republic. In fact, he was granted more than he asked; permission was given to him, as chief justice and general, to quit the country and raise forces for the defence of the good cause. It was stipulated he should act with the legitimate authorities, and not independently, as was right and customary, and he did not seem to object to it. The general continues his cumulation of complaints in his manifest. He says: "The government prohibited me from defending the nation. How could I raise forces? Where could I get them? What means had I? Yet I did not despair, but I waited."

Did he think to defend the national cause by leaving the country and asking permission to reside abroad? If he was not satisfied with his instructions, why did he not ask a modification of them? But he goes off, and then pretends he did not understand them.

General Ortega gives two meanings to the commission of 30th December, 1864: one is, he is to fight the enemy inland; the other, he is to do it by passing through a foreign country. He requested both, and his subsequent actions show which one he intended to adopt. He explains this in his manifest. What he wanted was, to be paid to stay out of the country till the war was over. This is evident from his letter of the 8th May to the President.

What he says of prejudice against him cannot be true, since all these favors were granted him by the government. If he thought so, as he says, he certainly would not have written the said letter.

As to the decree that he should be judged by the proper laws on his return to the republic, he says the President has no power to issue such a decree. But the congress conferred upon the President full powers to do whatever congress itself could do; therefore he has power to determine the responsibility of public functionaries and their duties.

In General Ortega's case the government has acted according to the provisions of the constitution. By article 105, congress has the right to depose the chief justice and have him tried for misdemeanor by a competent court. The government did not declare Ortega guilty; only it said he should be tried, if he returned. About his staying abroad, the government only said just what congress might have said by article 104 of the constitution,

that he was amenable to the laws of his country for staying away without leave; but did not judge him and sentence him, as he has asserted.

The only restriction congress put upon the executive, when endowing him with full power, was to forbid any contravention of the constitution. This was to prevent any irregular proceeding against any public functionary. The government could no more violate the articles of the constitution than congress could, and in this case no provision of the constitution is violated.

It would be an inconceivable absurdity to suppose that congress should leave public functionaries unpunished during the war, when the consequences of their offences might be very serious. It would be ridiculous to permit traitors to retain their offices, men who leave their country to enemies, when it was their most sacred duty to defend it. If so, the government would have failed to punish Santiago Vidaurri for treason, and would have respected many others who have abandoned their country's cause.

Another of General Ortega's pleas for defence is, that only congress has the right to depose a chief justice. He says he never resigned his place, and was not removed by congress; consequently, he still holds it.

One more excuse of General Ortega was, that the places of chief justice and governor of Zacatecas were inconsistent, and in that case he preferred to be governor, and resigned the judgeship in San Luis Potosi. This incompatibility of positions is explained in the resolution of the 30th November, 1864, which was published in Chihuahua, and afterwards repeated in the decrees of the 8th of November, 1865.

By article 118 of the constitution no man can hold two elective offices at the same time, but must say which he will fill; this I stated in the decree. I also said, that though federal offices were meant, the article applied to State offices too.

General Ortega, with the untruthfulness that prevails throughout his manifest, said, that to apply the incompatibility to his case, "resort was had to constitutions not now in force." Just the contrary was alleged in the resolution and circular quoted. I said it was necessary to accept the federal office, and not the State office, when elected to both, according to the old constitution. As former constitutions must have been consulted when the new one was formed, the defects of old ones were avoided in the latter. In July, 1863, when Ortega was governor of Zacatecas, he resigned the judgeship, but was informed by the government he could not do it consistently. He was told that war would prevent a new election; and if he resigned, there would be no one to succeed the President, in case of his default. He was told, if he wanted to be governor of Zacatecas, he must be so by appointment, and still hold the judgeship.

From July to December, 1863, General Ortega was often written to on the subject, yet he continued to act as governor of Zacatecas without appointment, and did not even answer the letters. The same was insisted on in the resolution of 30th November, 1864, and he has never noticed it officially. In that resolution Ortega was declared to be chief justice, for reasons and by authorities above stated. Now he says there was no need of it. He says in his manifest he had often before filled two offices and no mention was made of incompatibility, and quotes authorities that proved nothing. He was appointed judge in 1861, till a new election could be held, and acted as governor of Zacatecas at the same time, but that proves nothing in his favor, for only one office was elective. He also says he was governor of San Luis and military commander of Aguas Calientes and Tamaulipas at the same time. But these were not elective offices, only temporary appointments by the government.

In 1862, after General Zaragoza's death, he was elected chief justice, and the government made him commander of the army in Puebla and governor of that State. He mentions this also in his manifest, but he does not see that all his offices, except that of judge, were by appointment, and only temporary, of course.

At this point we note another of the many contradictions of the manifest. He tried to make others believe that the only reason the government had to object to his holding two offices was its opposition to his advancement. Among all the imputations adduced in the manifest is one that the President wrote from San Luis to Severo Cosío, telling him to continue as governor of that State, instead of Ortega. The latter wants to make an intrigue appear from this natural act, when Cosío himself wants to refuse the honor offered him. According to common report, Ortega did nothing for the good of the country while in Zacatecas, but rather acted against the interests of the government. For that reason many thought it would be better to make Zamora governor, as he had once been constitutional governor of that State; but it is absolutely false, as Ortega states, that commissioners were sent there to investigate his conduct with a view to his removal. On the contrary, the government thought Ortega would do what he could for the general good while in Zacatecas. There were many other good citizens there at that time who could have filled the place as well as Ortega. When he accused the government of wanting to dismiss him from the judgeship, it was trying to induce him to retain it by appointing him governor of Zaca-

texas. Wishing to avoid all misunderstanding, it offered to do so in the resolution of 30th November, 1864, and he made no reply, because he could not.

The fact is, he had private business in Zacatecas, which became very public soon, and his secret designs were to oppose the wishes of the government. In reference to what is called a decree, but was nothing more than a convocation of magistrates, he said: "They wanted to abolish the elective office of supreme judge, and fill the place by appointment, and thus give Juarez the power of removal whenever he pleased. Such have been the aims of the government ever since it left San Luis; and so he convened the judges forming the supreme court by a decree issued in New Leon and Coahuila, for that purpose. I was then commanding a division against the French in the interior of the republic. The sole object of that meeting was to have a president of the supreme court appointed by Juarez and subject to his removal."

To show that Ortega is mistaken in his understanding of the writ, which he calls a decree, it is hereto annexed, No. 1, and was issued at Monterey on the 10th of July, 1864, and published in the official paper of that date.

It is not true that the publication was made while the government was in the States of New Leon and Coahuila. Ortega said that to make believe the government was busied about him, when it only reached Saltillo on the 9th of January, Monterey the 2d of April, and the publication was not made till the 10th of July. Neither is it true he was with his forces, fighting the French inland. He said that to make one think he was rendering good services to his country, and that the government was trying to injure him while absent defending it. On the contrary, the same paper shows that he arrived at Parras on the 6th of July; on the 30th of June he was at Viesca, and a few days after the publication of the circular he arrived at Monterey. He left Zacatecas without a fight, passed through Durango without offering aid to its chief town, then in a state of siege, and came directly to the seat of the government.

Neither is it true that the circular refers to Ortega; its object was to revoke the permission given to the judges in San Luis on the 18th of December, 1863, to elect a domicile till the capital should be fixed and permanent, and fill vacancies till another election could be held.

Before and after the circular Ortega's situation was the same as it was when he was in San Luis, when he wished to resign the position as president of the court and become governor of Zacatecas.

In fact, his manifest is full of inaccuracies, which his heated imagination conjures up to blame the government, but not to be believed by any person of common sense. One of these is accusing the government of complicity in Uruga's treason. Why he did this, no one can understand. The army that Uruga commanded was the same that had been in Queretaro and the vicinity, from June to November, 1863. It had been raised and supported by the government with means in its power. As all the States where this army operated were in siege, they were naturally under the direct orders of the government. Even if the government were prejudiced against those States, as Ortega asserts, why should it betray them to the enemy? And he dares to say the government favored Uruga's treason. This assertion is too absurd to need refutation. And he says Berriozabal and he warned the government that Uruga was going over to the enemy, and no measures were taken to prevent it. He says of Berriozabal: "He sent an official communication, very respectful, but in energetic language, requesting the publication of documents that would convict himself or Uruga." All this is false; General Berriozabal never said any such thing. The truth of this may be found in the official paper of the 15th of June, 1864.

This government was informed of Uruga's intended treachery long before Berriozabal's case, and Ortega's insinuation. He was too far from the seat of government to prevent his defection. The government did all it could to prevent it, and did save much of the army that intended to go over with Uruga.

Ortega says: "Information of Uruga's intended treason was sent to the government by the patriot General Arteaga." That is true: he sent a special messenger with the report from Monterey, on the 2d July, 1864, and Arteaga was placed in Uruga's position, where he continued to fight ten months, till he was killed, while Ortega was living in peace abroad.

It would require a volume to contain all the falsehoods in Ortega's manifest. General Arteaga's commissioner arrived at the time of Berriozabal's trial, on the 11th of June, when Ortega's letter came. The government then issued the decree of the 1st July, deposing Uruga and putting Arteaga in his place, and it was published on the 27th July in the official paper.

Ortega came to Monterey in July and learned all about it; and yet he makes another vile assertion that the government would not listen to his insinuations against Uruga. This is another proof of the spirit in which the manifest was written, and how much its assertions are worth. He says when he went from San Luis to Zacatecas to raise troops, the government sent secret agents to frustrate his plans. If he had given the true title of

these agents, as he called them, his prevarication would have been too patent. These two agents were the district judge and the collector of taxes, and they had nothing to do with Ortega. He made no objection to the judge, but he would not let the tax collector act; we don't know for what reason.

While the government was in San Luis, from December to July, 1863, many public and private notes were addressed to Ortega, but he did not condescend to notice any of them, as was his custom. Once he sent two commissioners to San Luis to ask the tax collector to be removed, so he could use the funds of the State for national defence. This was only to gain time, like his letter from New York, in May, 1865. The government, of course, refused his request, yet he continued to use the public funds. He insists that the government acted against him, when it was he who opposed the government, in open violation of law. He makes bold to say the government told his commissioners it needed no more soldiers, so as to have an excuse to refuse his petition. This is not so. He said he told his commissioners to inform the government he would forward the sums it wanted, if his requests were granted. I had no interview with his commissioners, so I could not tell what they wanted; but I know Ortega continued to use the State funds for his own purposes, in direct violation of law, and contrary to express orders. The government might have consented to his proposal, but it did not believe in him, and it has never had an account of the money he used. It was well known in Zacatecas what use he put the money to, and that not one dollar was used to raise forces. Months thus passed, and he had collected no men in Zacatecas, till the French came upon him in the beginning of 1864, when he was suddenly compelled to raise a small force; and he says, in a boasting way, "in one or two months I raised, equipped and armed a complete division!" The boasting general left the State of Zacatecas a few months after, without fighting a single battle.

I have already mentioned that the capital of Durango was besieged when he passed through that State, and he offered no assistance. General Patorí, governor of that State, after duty in Chihuahua, was returning to Durango, then held by Mascareñas in his absence, when he heard that 2,000 French were coming to attack it. Ortega, then at Saucillo, wrote to Mascareñas on the 11th July, 1864, as follows: "I am told you intend to evacuate the city. I beg of you not to do it; I will answer for it with my head. I have 3,000 men and sixteen pieces of artillery with me." With this force, if his account is not exaggerated, he could have given great assistance to Durango. He knew the enemy in Zacatecas and Fresnillo could not be re-entrained from Mexico, and their garrisons were too small to move out; but General Ortega set out for Viesca as soon as he made his offer, and arrived there the 30th June. He then went to Parras, in the State of Coahuila, and the French took unresisted possession of Durango about the first of July.

In 1864, while the government was at Saltillo, Ortega sent a commission there. This he mentions in his manifest, but does not say for what purpose it was sent. The object of this commission was to demand the reins of government. His reason for this, he said, was because the French refused to recognize Juárez or treat with him, and something should be done to save the country. Ortega's real object was to side with intervention if he could not have the government in his own hands. García de la Cadena was one of the commissioners. I had a private interview with him, and advised him to seize the government of Zacatecas the first time Ortega went out of the city, and promised him support, and to appoint him governor in fact. He refused, because he said it would produce civil war in the State.

This story of Ortega has no more truth than his others. The government pardoned Cadena for acting in that embassy on account of his former good services. What the government did in the case was this: it proposed to commission Cadena to act as governor in case Ortega should quit the State, as it was expected he would do, and which he did. Cadena refused, from his respect for Ortega, and said he thought it best to wait till the vacancy should occur, and not anticipate events. General Ortega's subsequent conduct shows how well founded were the government's suspicions; but the government could not foresee that General Ortega would quit the republic voluntarily during war and remain abroad living in New York, with the title of president of the supreme court and governor of the State of Zacatecas. In the first of his manifest he makes two accusations against the undersigned, and of a personal nature, namely: it was not strange I had signed the decrees, because I had formerly been "one of the persons engaged in the Comonfort rebellion." Comonfort atoned for his mistake; he gave up the government to the president of the supreme court and took the field, where he fought and was defeated. He then left the country; but when it was invaded he returned and bravely died in its defence. I did not aid Comonfort, but dissuaded him from his first plans. This is well known to all public men; and the President of the republic was so well satisfied with my conduct he has several times called me into his cabinet. And congress, too, must have been satisfied with me, else I would not have been its president so often, as was the case on the 31st of May, 1863, at its last session. The second accusation was that I had issued the decrees, or signed them, "to show my power as minister." I had already been minister nine years, and the acts of its office

were not novelties to me. The second time Comonfort offered me the ministry I refused it, and Ortega may learn from the papers of 1861 that I have twice refused it under the present administration. I accepted it in San Luis because I thought it my duty to do so under the trying circumstances that were afflicting the country. I refused it when peace and plenty prevailed. While the government was at Santa Rosa, between Monterey and Chihuahua, in the State of Durango, I put Ortega at the head of a division, and he was badly defeated at Majoma. In his manifest he says he was placed in command of that division "so it might be destroyed and he killed with it," and he adds that I was chiefly instrumental in his defeat.

One of the reasons why we put him in command of those forces was because he had brought part of them from Zacatecas with him, and the government always favors those who try to do the most for it. The only regularly educated military man there at that time, of equal rank with Ortega, was General Negrete, then minister of war. He could not have been put in command, for there was a mortal enmity existing between him and Ortega.

This was not mentioned in the manifest. Ortega wrote me some letters at that time, because he would have nothing to do with his enemy, the minister of war, and I was obliged to answer his letters. It is not true, as he reports, that he expressed a fear at the time of being defeated; he was confident of success. He was the first to propose the expedition to Durango and Zacatecas. He was appointed to command at Santa Rosa the 4th September, 1864, and on the 8th he wrote to the President as follows: "The enemy's advance is at Durango, and his rear is exposed for many leagues—as far as Zacatecas—supported by 200 men there, and 200 more in Fresnillo, which we can attack with safety, as no aid can reach them from Durango unless the garrison is sent from there, and then that place falls into our hands. Our situation is good, and the interior of the republic is in motion on account of our advance, as I hear from Zacatecas." From this expression of confidence the government hoped Ortega had changed for the better, and intrusted him with powers it had previously feared to grant, as commander in the States of Chihuahua, Durango, Zacatecas, Aguas Calientes, San Luis, and a part of Coahuila.

To give one more proof of the untruthfulness of all he says, I annex Nos. 2, 3, and 4, documents from this department and of war, making him commander-in-chief of the forces in the States mentioned. These will show that he was not limited in action in any way, and that General Patoni was under him. He was defeated at Majoma the 21st of September. It would be unnecessary to tell of that disaster now. Ortega says his forces retired in good order from that fight and were disbanded the next day.

As I said in the beginning of this circular, my sole object has been to correct what Ortega said about certain public and official acts. The government is in possession of all the facts necessary for his conviction when he is brought to trial. It seems easy for him to bring up all sorts of imaginary imputations, though he did not see how fallacious they would appear at the first glance. After telling all sorts of frivolous stories and insinuating he had others in reserve, he exclaimed, "*Would to God I could tell all I know! then would my conduct be lauded, and that of Juarez and Lerdo de Tejada be condemned.*" In regard to this affected reserve, the government is perfectly willing he should tell all he knows; it is willing to let him talk till he thinks he has nothing more to say.

He talked of everything in his manifest except the principal subject on which it was written, namely the unconstitutionality of the decrees. Neither did he explain why he deserted his country and his flag in time of war and took up his residence in a foreign country.

It was absolutely necessary for the President to prolong his office to sustain the cause of independence against the invader, and it was of just as much importance to settle the question of Ortega's responsibility by another decree, so as to know who should succeed to the presidency in default.

The President also justly thought proper not to trust the nation's destiny to the hands of an individual who had abandoned his country in its trouble, and left it to reside in a foreign land till war was over, when he hoped to return and rule over it.

All those exercising authority in the name of the republic, and commanders of forces fighting for it, known to the government, have accepted the decrees, and have considered them proper and just. In spite of this, Ortega insists on calling them revolutionary acts. If they cause a revolution it will be very different from others; they tend to preserve the country and secure its independence. The President has shown for several years that he has the energy and constancy necessary, in times of danger and sacrifice, to sustain the country, and does not wait like others for a good time, to attend to his personal interests. In 1861, as soon as the revolution was over, he called a convention of the people to elect a President. Now he says he will do the same, and all know he will keep his promise. The President will always submit to the will of the people.

Independence and liberty! Paso del Norte, April 30, 1866.

LERDO DE TEJADA.

The GOVERNOR of the State of ———.

DEPARTMENT OF JUSTICE, FOMENTO, AND PUBLIC INSTRUCTION—SECTION FIRST.

Circular.

On the 18th of December, 1863, the magistrates composing the supreme court of justice were authorized to assemble in San Luis Potosi and elect a domicile till the supreme power was permanently located and could reorganize the court.

In compliance, therefore, of the said decree, and considering the circumstances in each case, whether the magistrates were appointed or elected, the President decrees that Juan José de la Garza, Manuel Ruiz, and Florentino Mercado, the first and sixth judges, and attorney general, shall reside in this capital, to be ready for business, and Manuel Portugal, José S. Arteaga, José García Ramírez, Pedro Ogazon, Manuel Z. Gomez, and Pedro Ordaz are the other judges. All absent ones must present themselves in this capital within one month from this date, or lose their office. Afterwards the supreme government will attend to the reconstruction of the court.

And as you are one of those comprised in this decree, it is made known to you by supreme command, for your information and consequent action.

Independence, liberty, and reform! Monterey, July 10, 1864.

IGLESIAS, C.

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—GOVERNMENT BRANCH—SECTION FIRST.

For the purpose of sustaining the war in defence of the national cause, and considering your well-known patriotism and services, the President of the republic has been pleased, with the consent of the ministerial council, to grant you full powers to dispose of all the rents in the States of Aguas Calientes and San Luis Potosi, of which you are governor and military commander, State taxes as well as public revenue, to raise means for army purposes, and to impose whatever taxes you may deem necessary, and to dispose of all the munitions of war, and all the forces that exist or may be raised, in those States, whether of the national guard, regular army, or any other kind, together with all officers, civil and military, as you may deem most proper.

Independence, liberty, and reform! Santa Rosa, September 4, 1864.

LERDO DE TEJADA.

JESUS GONZALEZ ORTEGA, *General of Division,
and Chief of the First Army Corps of the West, Present.*

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—SECTION FIRST.

The President of the republic having determined to appoint you general-in-chief of the first army corps of the west, and General Patoni as second, granting you ample powers in the States of Aguas Calientes, Zacatecas, and San Luis Potosi, has been pleased to accord to you at the same time, in ministerial council, the command of Patoni's forces and of the States of Durango, Chihuahua, and in the district of Parras, in the State of Coahuila, and to do as you please in those places with the troops under Patoni, or any others; and this is done that there may be unity of action in the States of Zacatecas, Aguas Calientes, San Luis Potosi, Durango, Chihuahua, and the district of Parras for the prosecution of the war and the defence of our independence and our institutions.

Independence, liberty, and reform! Santa Rosa, September 4, 1864.

LERDO DE TEJADA.

JESUS GONZALEZ ORTEGA,
Chief of the First Army Corps of the West, Present.

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—SECTION FIRST.

Taking into consideration that, on account of recent circumstances, the governor and military commander of the State of San Luis Potosi may have ceased to exercise the duties of his office, the President of the republic is pleased to authorize you to take charge of it as soon as you hear of its vacation, and appoints you governor and military commander of the State, requesting you to give notice to the supreme government as soon as you begin your duties, that it may act in the premises.

Independence, liberty, and reform! Santa Rosa, September 5, 1864.

LERDO DE TEJADA.

JESUS GONZALEZ ORTEGA,
Chief of the First Army Corps of the West, Present.

No. 3.

DOCUMENTS RELATIVE TO THE COUP D'ÉTAT OF BENITO JUAREZ, EX-PRESIDENT OF THE REPUBLIC OF MEXICO.

A WORD TO THE MEXICAN PEOPLE.

I publish the accompanying documents, believing them necessary to the end I contemplate.

With me it is an established principle never to depart from the pathway my conscience and sense of honor dictate, no matter what adverse influences may be brought to bear upon me.

I make this statement, actuated by no egotistical motives, but simply because I conceive that my native land, in the hour of her calamity, demands, and should receive, an explanation as to my future line of conduct. Silence under such circumstances would reveal a cowardly disposition, and, consequently, I feel myself compelled to give an exposition of my motives, even though I may incur the risk of reiterating statements to which I have alluded in a previous manifesto.

I assure you that my course is shaped to compass no ignoble ends; neither will I permit personal considerations to intervene in the discharge of my duty, for I shall suppress nothing which does not taint our national honor.

A few months since I said to Senor Viesca, while upon the frontiers of the United States: "I do not come with a ridiculous design of overturning established order; I have arrived, solitary and unrecognized, after having refused the physical force tendered me by my friends, so that I shall not be regarded as an element of disturbance. Should you yourself proffer me the strength of your State and your own influence to establish a government, I should decline the offer. My only object, at the present moment, is to visit Senor Juarez, to avert, if possible, the evils which he would inflict upon the country, and to inquire of you your opinion as to his conduct."

The man who acts in this wise takes as his guide the good of his country; moreover, I gave way to none, asking whether or not they would recognize a government of my establishing.

A most easy task would it have been for me to create a new government in Mexico, possessed of more or less strength than that possessed by the one of Juarez. I say an easy task, inasmuch as Mexico is a nation faithful to and conscious of her rights, and I hold a legal title and a well-defined authority, derived directly from the Mexican people, which Senor Juarez does not. I have governed many of the interior States of the republic, commanded national armies, and my political influence has bestowed upon me the confidence of the people. Moreover, during my residence at San Antonio de Bexar, I have been personally visited by many leaders, among them generals of well-earned repute, soliciting my return to the republic to operate as a centre of legitimacy, and for the salvation of our independence. I have, furthermore, received letters from officers commanding armies in the field, actuated only to secure the safety of our principles, inviting my return to the republic, which documents I do not employ, as they were of a confidential nature.

The task was, furthermore, easy, inasmuch as I had witnessed the reprobation following this violation of the law by Senor Juarez, not alone from persons occupying high positions in Chihuahua, which State was the official residence of that gentleman, but from the members of the legislature of that same State, as I have ample evidence to demonstrate, did it not involve a breach of confidence in giving private letters to the light. One of the members of that legislature, of the highest social and political standing, came to me as a commissioner, after a travel of a hundred leagues, for the express purpose of invoking my return, as soon as it became apparent that Senor Juarez designed trampling upon the rights of the republic. That representative stated to me that the State of Chihuahua would not acquiesce in the usurpation of Senor Juarez, but would, on the contrary, repudiate all his acts, which I believe it has done.

And the task was easy, as a final reason, because the late President destroyed the sole means whence he derived popular prestige, and if he lingers in political existence within a corner of the national territory, it is that he is tolerated from exceptional motives, to which I need not now allude.

However easy to me would have been the establishment of a government, it was not such an easy task to convince myself as to the necessity of assuming a prominent part in a drama representing the government with conflicting executives, and at the same time contending with a foreign power, even though one, having no excuse in lack of national virtue, arrogated to itself, amid the darkness of the pending struggle, powers which had originally been conferred by the people. Yet, had I believed the honor of Mexico, and the honor of Mexico alone, demanded my temporary abstinence from establishment of a legitimate government, in the hope either that Senor Juarez would restore to the nation that

which he had unlawfully appropriated to himself, or that the nation would arouse to a sense of injured dignity, I likewise believed that the majesty of Mexico should have rebuked the scandalous acts of Señor Benito Juárez, as it has already done in similar cases. Let him be rebuked, inasmuch as the establishment of a legitimate government, by him overriden, has cost the nation more than half a century of blood-stained conflicts. Let him be rebuked for having vitiated that very principle for which we are sacrificing human life in a contest with one of the most powerful nations of the earth. Let him be rebuked, for were he not, the nation forfeits title to its own existence, inasmuch as a people permitting its laws to be desecrated at the option of its ruler can neither guarantee its own integrity nor hope to advance towards the standard of civilization enjoyed by nations jealous of their well-being. Mexico, however, thanks to its own endeavors, is progressing steadily in accordance with the spirit of the age, as will be demonstrated by the documents I now publish. Let the nation rebuke the treachery of this man for the sake of its own honor, even though it suffers a passing penalty for his transgressions; for a nation struggling for a principle consecrated within the hearts of its citizens must inevitably resuscitate with a tenfold vigor. Not so with a people who succumb at the dictation of a man usurping authority through the vacillations of its sons, to its own and individual aggrandizement, for that people stand for all ages disgraced in the eyes of God and man.

Mexico will, doubtlessly, preserve her independence, preserve her principles, preserve her honor. Should the caprices of fortune render the salvation of her independence an impossibility her honor may be saved at all hazards, for all the strength of the world is impotent to destroy the honor of a people who, like the Mexican nation, has struggled around a flag whose tattered folds will bear to the end the inscription of a solitary cardinal principle. Triumphant it will shine in effulgent glory; down-trodden, it will carry to remote age the noblest title to heroic martyrdom.

It may be insinuated, as some have already done, that if Juárez has acted illegally, an admission of the fact would dishonor him and thereby inflict injury upon the nation.

Will my silence, or the silence of six or eight other men, propitiate a nation whose privileges and laws have been trampled under foot by the individual to whose custody they have been intrusted? Can a silence of this nature confer prestige upon a man violating his oath and reprobating his duties? Can it prejudice a nation to protest energetically against wrong perpetrated in its name? Has it prejudiced Mexico in the eyes of the world to have protested against the creation of a throne upon the land of Hidalgo, and to have proclaimed that the rights of Mexico have been assailed through the usurpation of a foreign armed force? Does the sentiment of Mexico and the world depend upon expression of our judgment? Will our silence alter the nature of political acts, rendering bad good and good bad?

The reputation of a public functionary depends neither upon the silence nor the expression of any one citizen, but upon the unequivocal and impartial judgment of society, when popular sentiment canonizes, so to speak, the right and legal procedure of that functionary. None can be ignorant of the fact that when the trials of a nation are at their highest pitch it is far more noble and honorable to exhibit herself worthy of herself, condemning all acts that she would have discountenanced when in the plenitude of majesty and power, or against the dignity and spirit of the law. The heroism of a country, like unto that of a man, is rarely evoked unless beneath bitter trials, imposed upon it through emergent circumstances.

I herewith publish the correspondence between Señors Juárez and Prieto, relative to the letter addressed by me to the former, through the medium of this latter, respecting tender of my services to the government while outside of the territorial limits to which I have alluded in my manifesto. To demonstrate the accuracy of my statements in this latter document, it would suffice the public to know that the epistle had been received by the government. This is not only shown by the correspondence, but the additional fact that it was received in May or June, and according to Señor Juárez's authority was not responded to until September, thereby proving that reply to a communication of vital importance was intentionally delayed for several months. Moreover, I was assured that that which I requested should receive the requisite authorization, without any intention on the part of the government so to do, and that, while I was awaiting this authorization I should remain outside of Mexico, in order that Señor Juárez might publish, in a decree, that I had abandoned the presidency of the court, dwelling permanently in a foreign land without license, and I had not even informed the government as to when I intended returning within the republic. I have already stated that I never received an answer from Señor Juárez.

JESUS G. ORTEGA.

THE CONSTITUTIONAL PRESIDENT OF THE SUPREME COURT OF JUSTICE OF THE REPUBLIC OF MEXICO.

Circular.

I herewith send you a copy of the protest and manifesto which I have deemed it incumbent upon me to make public, in regard to the *coup d'état* perpetrated by Senors Benito Juarez and Sebastian Lerdo de Tejada.

National as well as State legislation having been necessarily suspended during continuance of hostilities, nothing remains to direct the administration of public affairs save those high functionaries elevated to power through the votes of the people. It is for this reason that I address myself to you, inquiring as to the course of conduct you have adopted with respect to this outrage upon legal order, and whether you repudiate or indorse the act.

The nation preserves an inherent right at all times, and especially during hours of trial and anguish, to demand from public officials the expression of their opinion as to matters touching the common weal. This right conceded, I conceive it to be obligatory upon me, as president of the supreme court, to collate all available information upon that head. Did I not do so, I would regard myself amiss in the discharge of the sacred duties imposed upon my position, and most particularly so when we contemplate the circumstances at the present moment affecting the country.

If I, in this instance, avail myself of my title as president of the supreme court, and not of that of President of the republic, to which position I possess a perfectly legal right under the constitution, it is because I do not deem it expedient, while the national independence is in jeopardy, to elevate contradictory standards, even though the one be emblazoned with the motto, "Order," and the other with "Abuse of Power," and treason against organic law. Yet my forbearance does not necessitate the republic to recognize as legitimate the official acts of Benito Juarez after the 30th day of November last past. Considerations as to the national welfare, both now and for the future, will ever instigate my actions; nevertheless I will always struggle to reconcile the cause of independence with the absolute salvation of the law.

Do not on any account presume that this note is designed to solicit your opinion upon an unprofitable business, neither that I have constituted myself into a judge as to your conduct. No! the object of this epistle is much more noble and elevated. The nation is undergoing a terrible ordeal; her organic code has been ruthlessly violated, and that at a moment of the nation's crisis, struggling against a foreign invasion and battling to conserve the form of government instituted by that same organic code, without which independence would be a nullity. The assumption of a solemn oath, my duties, my honor, my patriotic devotion to the interests of Mexico, render it obligatory upon me to exert my most earnest endeavors to preserve inviolate the constitution and laws, whose creation has cost our nation so many and bitter sacrifices. At the same time a similar sense of duty impels me to exercise an equal devotion towards a preservation of our national independence; consequently, I have attempted to effect both purposes simultaneously, rendering the one subservient to the other. It is for this reason that I have not appealed directly to the masses, who might manifest their disapprobation of the Juarez usurpation in a tempestuous manner. To avoid tumultuous demonstrations from the populace I have addressed myself to the officers of the people, citizens charged with supervision of popular rights, whose foundation rests upon the observance of the constitution.

During peaceful times and those of national quietude, the organic law lays down both the order of succession and the manner wherein each authority and functionary attains exercise of the duties intrusted to them by the people. During an emergent period these provisions may be departed from. Yet the precedent of history in similar instances has demonstrated that the most appropriate method of saving popular rights is one wherein the opinions of the representative departments have been consulted. With this aim we have observed governors and local representatives of the respective States, either in accord or separately, protest against ignominious acts wherever they had the power so to do, when such acts were found to be in conflict with the spirit of the law as the exponent of the will of the sovereign people.

For the reasons I have given I now address myself to you as a representative of the people, even although you are momentarily debarred from the exercise of your functions, so that in your official capacity you may communicate to me your sentiments upon this matter. While so doing you may discard formalities, as much for the reason that they cannot at this present moment be complied with, as from a consideration of the grave circumstances which encompass our common country.

Independence, liberty, and the constitution! San Antonio de Bexar, February 3, 1866.
J. G. ORTEGA.

The CONSTITUTIONAL GOVERNOR of the State of ———.

From the constitutional governor of the State of Durango.

As a satisfactory reply to your communication of yesterday, inquiring as to my opinion of the *coup d'état* of Juarez, the manner in which it impressed me, and my projected line of conduct for the future, I herewith transmit to you a copy of a letter which I forwarded to Señor Juarez from Presidio del Norte, dated December 15, of the past year.

Independence and liberty! San Antonio, February 4, 1866.

J. M. PATONI.

The Citizen J. G. ORTEGA,

Constitutional President of the Republic of Mexico.

PRESIDIO DEL NORTE, December 15, 1865.

MY DEAR FRIEND AND SIR: The circumstance of the French troops being at the gates of Chihuahua at both my arrival and departure from that city, the implied bad taste of manifesting my sentiments during the critical moments signaling our last interview, and lastly a determination not to take the initiative in enunciating my discontent at your *coup d'état*, believing that task to be more properly allotted to persons of more consideration than myself, impelled me to preserve silence on that occasion, while at the same time my duty instigated me to indite a confidential epistle to you on a matter affecting national interests.

It is not within my province, neither do I boast capacity adequate, to analyze the decrees of the 8th of November. Nevertheless, however masterly may be deemed the manner in which the law has been perverted, however applicable and sagacious may be the deductions drawn from the spirit of the law by your cabinet, in everything not comprised within the circle you have described for your personal advantage, every honest citizen perceives that the law has been violated; that there does not exist in your person title sufficient to exercise the functions you have usurped, and that the country is threatened with the danger of anarchy, when constitutional order could and should have progressed in all its majesty. The grand principle, secured through triumph of the plan of Ayutla, was the perpetual abolition of persons. By it popular sovereignty—the soul of democracy—was recognized as a practical truth, and military mobs condemned by the just severity of the people as illegal combinations, who, with more or less plausibility, and stimulated by ambitious leaders, subjugated a populace incapable of resistance.

When I abandoned my peaceful employment, and sacrificed my private fortune in furtherance of these principles, and their sustenance through force of arms, combating with like vigor through adversity and success, I was buoyed up with the trust that the law would be our guide, conscious as we were that it would be sustained by the popular vote.

The citizen soldier can never be rendered an instrument for the destruction of the laws. Called into existence by the nation, he can never convert himself into a traitor to its interests, and as a defender of the government he can never be induced to conspire against its interests. According to my method of observation, and viewed by my conscience, I have no doubt but that your retention of power after the 30th of November is a usurpation; that the naming of your successor is an assumption unknown to our code, and but initiated by Santa Anna during a period of the greatest disorder, and that this commingling of anomalies exposes the country to anarchy, besides depriving it of strength, and compromising our name with foreign countries.

I adjure and pray of you, Señor Juarez, by the lustre of your good fame, by the well-merited position to which your virtues exalted you, and by the interest of our common weal, to which your devotion has been an earnest of hope and a source of pride, to retrace your steps upon the road along which you have started, as in your footprints it is impossible for me to follow.

I take greater pains to communicate to you my resolution, inasmuch as it should recall to mind memory of the past. You have ever found me at your side, unvacillating and obeying your every order while you represented the law. You will remember that I have always been one among the first to fly to your defence, and during moments when it happened that personal friends had deserted you I was too anxious to hasten to your company, eager to identify my destiny with that of the principles which you have guarded heretofore with fidelity. When you ceased to represent principles you deserted me; so that our separation has not been wrought through apprehension of danger, or through momentary emergencies, but because I did not wish to appear as a traitor against laws you taught us to respect.

This manifestation of opinion, which I submit with the greatest respect and with the best of feeling, does not in the least weaken my resolution to serve my country with the same loyalty I have ever given evidence of; neither will it prevent my union with those who

are fighting against the invader with a determination to vindicate our common rights to the utmost extremity.

Denying beforehand any intimations of disrespect, and with no wish of giving personal offence—on the contrary, actuated by the sincerest well-wishes for your future—I assure you in honesty and frankness that my sense of loyalty compels me, without compromising myself with party or person, distinctly to state that I will obey no orders emanating from you as the government, but will continue to defend my country according to my own inspirations, co-operating with those who legitimately—indispensable condition according to my judgment—do so for the salvation of our independence.

I do not wish to conclude without acknowledging, independently of my official duties, my personal gratitude for the attentions you have shown me. With sincere feelings of esteem, I remain, as ever, your affectionate friend and servant,

J. M. PATONI.

SEÑOR BENITO JUAREZ, *Paso del Norte*.

From the ex constitutional governor of the State of Michoacan, republic of Mexico, general of division.

NEW YORK, February 26, 1866.

I have the honor to acknowledge the receipt of the circular, dated 3d of this month, you have communicated to me, inquiring my opinion as to the *coup d'état* perpetrated by Señors Benito Juarez and Sebastian Lerdo de Tejada, through their decrees of the 8th of November of the past year.

In response, it becomes my duty in the first place to inform you that my term of office, as constitutional governor of the State of Michoacan, expired on the 16th of September of last year; that in consequence of the war with a foreign power, I asked leave from the legislature to absent myself and devote myself to the formation of forces for the independence and tranquillization of our fatherland. Being so just and necessary an object, the license was granted by the State congress, and in compliance with an article in the constitution of Michoacan, they appointed as my successor the citizen Deputy Antonio Huerta, who, by virtue thereof, entered upon the functions of that office, receiving at the same time, and from the same legislature, authorization to continue in office until a new election is held—that is, provided I should be killed in action, or my term of office should expire by reason of the prolongation of the war.

Having said this much, it is with pleasure that I respond to the circular of February 3, in the capacity of the former constitutional governor of the State of Michoacan, and as one who received that exalted position through popular suffrage.

In inditing this letter I do not wish to weaken the force of the laws committed to my custody by the people, for I neither desire to maintain a position to which I am not entitled, nor usurp an influence not justly my own, and which only derives honor and respectability when indorsed by the popular vote.

For these reasons, while enumerating my opinion with regard to the *coup d'état* of Señors Juarez and Lerdo de Tejada, you will accept it as the sentiment of a supreme authority who has been intrusted with the governorship of an important State, and as an expression of opinion from the only governor elected by the popular voice who could speak in its behalf.

The State of Michoacan regards with deep bitterness the *coup d'état* perpetrated at El Paso del Norte, as antagonistic to the principles of the State constitution, and bedimming the traditional respect with which the laws have ever been regarded by the citizens of that State. I am intimate with the sentiments of my fellow-citizens, and well know their obedience to the legitimate authority; inasmuch as I am a native of that State, and have had the honor of being at the head of its affairs for eight years, during which period the rule of constitutional order was never once disturbed. On the contrary, the sons of Michoacan, enthusiastic admirers of law and justice, have ever presented a firm front against the aspirations of ambition and the intrigues of disaffection. Let the foolish attempts of Comonfort attest the truth of this declaration. In all things, neither has Michoacan nor myself judged otherwise than that the laws of the republic owe their creation to naught save the will of the people, and we believe, moreover, that laws once framed cannot be violated by any person at his own will.

Señor Benito Juarez, who has broken through the constitutional defences of the country by a blind misstep, and who now unfurls a revolutionary banner with a hand pledged to sustain that of law and order has not, neither can he have, my assent to his decrees of the 8th of November last past. At the period of the never-to-be-forgotten epoch of Ayutla, for the purpose of assisting in crushing out a despot oppressing the Mexican masses, I marched to the battle-field, not only to seek glory in triumphing over tyranny, but to

acquire a ground-plan whereon the people could erect a nation, so that in the pages of a sacred code they could read their rights and duties.

No infraction of the laws nor disobedience to the supreme power has thrown a shade upon my public life; on the contrary, wherever the fundamental laws of the nation have been menaced, the sons of Michoacan, with myself, have ever been foremost in their defence.

Benito Juarez, victim of the scandalous *coup d'état* of Comonfort, is well aware that among the ranks of the constitutional army, organized to defend the supreme authority, I have been always ready for the sustenance of the laws, and willing to die before consenting to their violation. It is in such high esteem I hold the cardinal principles of right, acquired through shedding of Mexican blood

The consequences of our present war are not mute witnesses of my devotion to the laws. A prisoner of war at Puebla, and transported to France as such, I have never recognized any other cause than that of the republic, nor any other authority than that imposed upon me by the voice of the people, and congenial to the fundamental code. Notwithstanding that, obedience has natural limits, and thus, as I would consider it a crime to oppose legitimate authority, I would regard it a still greater crime to obey one who usurps illegally the sovereign power.

Benito Juarez has finished his career, for nothing, according to my conception, can authorize his perpetuation in authority; neither can he exclude the person to whom the law gives the succession in a determinate manner. Consequently Senor Juarez is but a private individual, and the presidency of the republic has reverted to the constitutional president of the supreme court of justice, who is the only man entitled to direct the destinies of the country. Therefore, as the last constitutional governor of the State of Michoacan, or, as general of division in the army, you will please accept my opinion, which I have set forth in reply to your circular, appealing to those placed by the will of the people to watch, through all time, over the national rights within their respective jurisdictions.

Please accept the expression of my high esteem. Independence, liberty, and the constitution!

E HUEERTA.

The General of Division J. G. ORTEGA,

Constitutional President of the Mexican Republic.

CONSTITUTIONAL PRESIDENCY OF THE

SUPREME COURT OF THE MEXICAN REPUBLIC,

San Antonio de Bezar, February 3, 1866.

I herewith send you a copy of the protest and manifesto which I caused to be published in this city, respecting the *coup d'état* perpetrated by Benito Juarez on the 8th day of November of last year. I sent through you from New York to Senor Juarez the document alluded to. As it was not of a private character, but relative to public and national affairs, I trust that you will supply me with all details in reference to its reception, accompanying the information with any document you may possess.

Clothed as you are with an official position, I hope that you will likewise favor me with your views as to the act of Senor Juarez, of which I have made mention, and as to that which you have done either in approving or condemning the same.

The nation has a right at all times, and more especially during its hours of trial, to learn the conduct of public officers.

As for myself, and placed in the position of president of the court through popular suffrage, I believe myself compelled to gather such information, so as to comply with the obligations imposed upon me by my duty, and the circumstances of the national situation.

Independence, liberty, and the constitution!

J. G. ORTEGA.

GUILLERMO PRIETO,

Postmaster General of the Mexican Republic.

OFFICE OF POSTMASTER GENERAL OF THE MEXICAN REPUBLIC,

San Antonio de Bezar, February 15, 1866.

The misfortune of suffering in my eyesight deprives me of the pleasure of answering your official note autographically, and as extensively as I would wish; consequently, I am obliged to send you copies of the documents to which you make allusion.

The first is a copy of a letter sent to an intimate friend in Chihuahua, and exhibits in the amplest manner my opinion with respect to the *coup d'état*, free from all other motives than those of sorrow at the unexpected retention of authority by Senor Juarez. I have the honor

of assuring you that my conduct has been entirely consistent with my ideas. At the time I suspected the incredible weakness of the chief magistrate of the republic, I demonstrated to him personally, and in the most earnest manner, the consequences of his design. I made public my disapproval of the scheme, and to avoid scandal sent in my resignation, which was not accepted; while, in my discourse of September 16, I alluded to the advantages Senor Juarez would obtain by swerving from the path of usurpation. I caused my name to be stricken from the head of the official newspaper when publication of the decrees of the *coup d'état* was made. I had published that paper gratuitously for two years. Finally, crossing the desert, I retired to a foreign country, separating myself from a class of persons attempting to impose upon the nation as law scholastic cunning, which the people will have the good sense, doubtlessly, never to accept.

The other documents which I forward are copies of letters exchanged with Senor Juarez. They will bear me out in saying that I placed the letter which you intrusted to me in the hands of that high functionary; that he was aware of your being in a foreign country, with the intention of remaining there for a time; that he never exhibited the slightest disapprobation of your conduct; and, finally, that he did not answer you until the 7th of September, at a time when it was publicly known that the idea of the *coup d'état* existed with the cabinet.

I believe what I have said will cover the object of your note; as for myself, I have the satisfaction of knowing that I have performed everything possible, consistent with my duty. Independence, liberty, and the constitution!

General J. G. ORTEGA,
Constitutional President of the Republic of Mexico.

GUILLERMO PRIETO.

[Strictly confidential.]

PASO DEL NORTE, October 31, 1866.

MY DEAR FRANK: This will be no letter, but a panorama of the terrible shock which I suffer in a painful manner. You will comprehend my meaning by reading the enclosed decree, issued by Benito Juarez on this date—a decree which it is, at this moment, impossible for me to analyze, as I feel as if I were in the midst of chaos. The decree, as you will perceive, is apparently according to the law, besides being solicitous for the well-being of the army, and in accord with the purest sentiments of patriotism. Ostensibly it is a measure which does not transcend the natural faculties of the executive, against exercise of which opposition would be made only from selfish motives. But a careful perusal will disclose the jesuitical mask covering the presidential question, so as to cloak, during the nation's most solemn trial, in the most audacious and treacherous manner, by surprise, the prologue to the *coup d'état*. It is thrown forth as a secret poison to assassinate legality; it is designed as an ingenious dagger to pierce unnoticed, but to leave behind an incurable wound. The allusion to Ortega is transparent on every line. It is he who is away in a foreign land, leaving with license and absent for four months. It cannot mean Berriozabal, for he was recalled by express orders; neither is it Huerta and his companions, for they are excluded. Ortega is the party denounced, as any reasonable being can at a glance detect.

This man, whom the unalterable law declares to be President of the republic; this man, whose title was confirmed in a solemn manner by the government but a short year since, when public opinion accused him of being ambitious—whether with reason or not we cannot say, as memory of his defeat at Majoma remains fresh, as accusations *from which he was absolved by government* are still being fanned by hate and malice—this man, I say, is not judged nor condemned, but his power is torn from him, as one dangerous to the common weal, or unworthy his trust. No! the law is spread as a trap so as to render him helpless; when, thus enchained, he is wounded and robbed of his legitimate functions.

Do not think for a moment that I am pleading for Ortega as an individual. I defend him as he at this moment stands, the personification of right. I neither favor him nor dread him, nor have I evidence to show him preferable to Juarez, but in all justice I regard him as an exponent of the law, whom they desire to override with a cowardly intrigue, concocted in secrecy and out of the popular sight. The decree is a confusion of ideas, which renders its unravelling difficult. The presidential question is a simple one; the constitution places a definite and positive term to the presidential office, so that a usurpation is impossible. It expresses that, no matter what may happen, the president of the court shall be the substitute for the President when the term of office of this last expires, and no election is held for his successor. The subterfuge of declaiming the incumbents to remain in office until a new election is not expressly set forth, but implied, in my estimation: First, because this case is like all others, and provided for in the constitution; secondly,

because, when the law regulating elections was adopted, the contrary was held ; and, lastly, because, in the famous answer of Lerdo to Ortega, government denied the right to change the law.

Ortega left the country upon leave of absence, advised the government of his residence, placed his services at its option, wrote directly to Juarez, and still received no sign of its disapprobation. To all of this you are a witness.

The previous career of Ortega in Chihuahua gave no evidence of irregularity or insolence ; he respected the resolutions of the government ; he acquiesced in its mandates, and left to make himself useful. But that nothing should be wanting in this violation of the law, it is concocted with ingenious perversion, which is sought to be excused by sophistry and perfidy. Was it anticipated or found inconvenient that Ortega should come into power ? Then why did they not trump up a thousand reasons or plausible pretexts to incapacitate him ? Was it not rumored that he committed an error while exercising power as governor of Zacatecas, and thereby destroyed his right to the position of president of the court ? Was it not reported that he should have been court-martialed for his conduct at Majoma ? If so, why did he continue vested with authority and recognized as successor to the presidency ?

We will suppose that Ortega deserves the prosecution so openly instituted against him. What is the power for his judgment ? Has not the constitution prescribed the method of procedure ? Is there no restriction imposed upon the faculties which the government has arrogated, thrusting the future into the embrace of usurpation and absolutism ? Why deceive the nation with this assumption of perjury and falsehood ? Is it possible that the presence of a foreign enemy renders us blind to the theft perpetrated upon the national laws, upon the most precious of conquered rights ? Is not all this formality and falsification the proper weapons of usurpers ?

Juarez has heretofore been my idol, both on account of his virtues and his having been chosen by the law, for his standard was our glory and our rights, and were we to fail, we must succumb in defence of the law. What remains of our political edifice ? Whom shall we respect ? Does it make any difference whether the usurper be named Santa Anna or Comonfort, or Ceballos, as of old, or Juarez, the suicide of to-day ? We will suppose that Juarez was a political necessity, and that his administration was immaculate. Did he derive reputation apart from his official position ? We will not hazard the presumption that a change would prove distasteful, or that our exterior relations, being paralyzed, would prove the cause of anarchy. Has not usurpation the same or greater dangers ? What would be the result from the discontent of the adherents of Juarez in the city of Mexico, where they are very few in number ? Is, then, discontent comparable to the disaffection of Negrete, of Zacatecas, of the division of the army in the State of Sinaloa, and of the remainder of the republic ? Yet all this occurs through the action adopted by Juarez. The partisans of principle will not recognize Juarez in the future, for they advocate principles, not men. Such being the case, will it justify a deliberate rising in favor of Ortega ?

What are our foreign relations ? Who will assure us that the United States will continue their sympathy after this *coup d'état*, as they always follow principles, and not persons ?

And what an instrument to our disadvantage will be this act in the hands of our enemies when knowledge of it becomes diffused to the world at large.

Anarchy ? It is a word, under the circumstances, which terrifies more than it injures ; it exists already, and through it may be saved the national honor.

There can be no anarchy when there is unity in thought, and this unity employed to put down the invasion. If Artega and Regules, Fernando Ortega, Riva Palacios, and Rosales, and all the chiefs, had been subjected to or omitted from our orders, what would have become of the country ? Anarchy is horrible when the ambition of different men is loosened to run riot. Then the struggle between the strong and the weak commences on the same soil. But the country without a head would have an insurrection, and that this would be common will be the supreme good of the country. Would not the nation be convulsed to see the flag of the invader disappear, only to give place to another equally illegal and equally detested ?

In any case should evil befall the country, Juarez and those who have allured him to his ruin will stand the blame, and not those who follow the path of duty and honor respecting the public will of the country, which is expressly mentioned in their fundamental code. I even go further, and suppose this extraordinary feat of jugglery of Juarez to terminate happily. Is it honorable to follow him ? Is it right to acknowledge such a vaulting over the law ? Ought we to tolerate this act, thus authorizing others of a similar nature which would very soon follow ? For my part I will not.

I have been so candid with you so far that not even the fear of the constitution's being broken stops me. Our cause is so grand that the glory of driving out the invaders would be unfading, and this might tempt me to act against the laws ; but no ; that would be reputation for the life of the country. I have not done it yet. I am not frightened.

I am frightened to contemplate Juarez as a revolutionist, inert, crippled, haggling, occupying himself with misrepresentations, or in elevating the baseness of vengeance against a certain person to the height of a state question. Can you imagine Juarez as a revolutionist? What are the rights of this man? What his strength? Are the destinies of a country to be subverted at the call of a scene shifter? Can this rushing of a country into perdition be caused by cautious but deceitful night vigils and thought? Is it virtue to break the law? Is it right to be the judge in your own case? Is it honorable that the culprit should turn the tables on his judge and declare him a thief, because he happens to acquire a temporal power?

I repeat that I grope in darkness and know not where to turn.

How obscure and treacherous is this document; how it omits the name of Ortega; what an innocent and natural air it bears. If we say to the government, Here, that artful idea, that order, is an ambush from behind which you will assassinate the legitimate possessor of what you declare to be your inheritance; then they might say, What do you deduce from? Damn anathemas on the calumniator. Shame and punishment to the suspicious rogue!

I saw this intrigue coming and I threw up my position, because I had neither labor to perform nor means of livelihood. My renouncement of office was not accepted, and I was retained so as to martyrize me, or for the purpose of having me desert my position in an infamous way, so that this desertion might be used as a gag to stop my just reproof of what I knew to be a turning of the truth, the abjuration of the law, the improbable transformation of the legitimate government into a strolling company of actors, who wish to enact plays after the manner of Napoleon the Little, and, O shame! after the style of Maximilian the Rickety!

Can you imagine what I have suffered? Can you imagine my situation when I am the exception among those gentlemen?

I am yours, affectionately,

GUILLERMO PRIETO.

PASO DEL NORTE, October 1, 1865.

MY DEAR FRIEND AND SIR: The last two times in which I have seen you, you have manifested that you were displeased with me. This displeasure is caused doubtlessly by my having, in a thoughtless moment, disclosed my ideas at a public entertainment, but which I am proud to say were conformable to the law and the honor of the government. Having lost your esteem, I miss one of the most powerful reasons for being near your person, as well as the small recompense of eight years of public service, in all of which time I have given patent proofs of my loyalty to the cause, and of affection to you personally. Misrepresentation is a degradation, and I have remained here so as not to degrade myself. I beg of you as a special favor that you give an order, causing the labors of the administration of the post offices to cease, which in fact are useless, for I neither have anything to do in that respect, nor have I any salary, and this order will rid you of me, and rid me from being the victim of penury.

I am, as ever, your servant and friend,

GUILLERMO PRIETO.

BENITO JUAREZ.

PASO DEL NORTE, October 1, 1865.

MY DEAR FRIEND: I answer your letter of to-day by saying that I cannot give the order to stop the administration of post offices as you wish, because that would be equivalent to the government commencing the destruction of public administration. Let the enemy destroy it if they have the power, and such should be the destiny of my country, but I shall neither do it nor allow it to be done so long as I am able to prevent it. If you have been wanting in circumspection in the matter of which you speak I can say nothing, as you have a faithful and sincere friend which can satisfy you by approving or disapproving your conduct; that friend is your own conscience, to which I appeal without having the necessity of verbal explanations in this matter, or any other particulars which you may not wish to inform me of, or I may wish to ask of you.

Before closing this letter I ask of you a favor, which is, that you bring to your memory that I never have said to you nor authorized you to say to General Gonzalez Ortega, in my name, that he could remain indefinitely away from his country. It has never been my pleasure to tell any one to do anything but what he liked best. Neither have I authorized any one to pursue the road of dishonor.

I am, as always, your true friend,

BENITO JUAREZ.

GUILLERMO PRIETO.

PASO DEL NORTE, *October 1, 1865.*

MY ESTEEMED FRIEND AND SIR: I did not wish for an order to destroy the administration of post offices, but that the labors of it should cease, which in fact is the case. I have appealed to my conscience, and that is not only satisfied but proud. I have never written one single syllable to General Ortega, neither as coming from myself nor yourself, in regard to your feelings about his indefinite permanency away from his country. Once, in a private conversation between Iglesias (minister of hacienda and gobernation, in the Juarez cabinet) and myself, I said to him that Ortega had written to you through me, in which letter he expressed a wish to labor for our country in the United States, and asking your approbation. In answer to which letter you told me that you had said to him to act in conjunction with Romero, (Mexican minister to the United States.) I added in that conversation that, taking this reply as a guide, you were not averse to his remaining away from his country. This answer covers the grounds of your letter to me, which ought neither to offend you nor suspect your future intentions, and gives you proof of my proceedings. Any way, if you can in any manner so fix it as to enable me to separate myself from my position, so that it will not appear as if I had been expelled, but only as a matter of delicacy on my part, I shall be very much obliged if you will inform me as to the manner.

Respectfully, your obedient servant,

GUILLERMO PRIETO.

BENITO JUAREZ.

PASO DEL NORTE, *October 1, 1865.*

MY ESTEEMED FRIEND: I am sure that I could never have told you that I would have answered Ortega by telling him to act in concert with Romero. I recollect having answered Ortega on the 7th day of September last, simply telling him that he could not receive the authority which he asked for, and this is the first time that I have ever told any one what I had written to your constituent, (Ortega.) I am very happy to know that you have so clear and proud a conscience; for that being the case, you will live tranquilly.

I cannot grant your prayer in regard to the ceasing of the labors of the general administration of post offices, because I have not the wish to assist the invaders of Mexico in discrediting the administration of my country. I cannot tell you, either, to leave your office, because I have neither a motive to tell you so, nor does the government repel you, nor are you a stumbling block in the way.

I am your affectionate friend,

BENITO JUAREZ.

GUILLERMO PRIETO.

PASO DEL NORTE, *October 2, 1865.*

MY ESTEEMED FRIEND AND SIR: When I, in May or June last, placed a letter from Mr. Ortega into your hands, I am sure that you then said to me that you were going to answer Ortega to the effect that he should act in concert with Romero. If you did or did not do it I cannot say, neither do I know what you said to him in your letter of last month. The former idea, that is to say, that of May or June, I communicated to Mr. Iglesias then, and this is a proof to me that I am not mistaken.

I do not think that there would have been dishonor in suspending the labors of the general administration of post offices, nor with my ceasing to operate would the invaders have been assisted, for by the same reasoning is it not ridiculous to believe that the ceasing of the administration of sealed paper, public lotteries and custom-houses, have also assisted the invasion? I proposed that I should be considered as having resigned, for the reason that the public should not know that there could be a cause of difference between you and myself. To stop all further doubts, and to close a correspondence which occupies your attention, I herewith send my resignation, which I hope, as a great and only favor, may be at once attended to.

I am your affectionate servant,

GUILLERMO PRIETO.

BENITO JUAREZ.

[Copy of resignation.]

OFFICE OF GENERAL ADMINISTRATION OF P. O.,
Paso del Norte, October 2, 1865.

There being no duties to perform in the general administration of post offices, and my presence in this place being of no consequence to my cause—on the contrary, a source of

unpleasant feelings—I beg of you to entreat the President to grant me leave to reside wherever I may see fit, and if this should seem impossible, to admit the formal resignation which I make to the office of general administrator of post offices.

GUILLERMO PRIETO.

The MINISTER OF STATE.

PASO DEL NORTE, October 2, 1865.

MY ESTEEMED FRIEND : I perfectly well recollect that I did not tell you what I was going to answer Ortega when you brought me his letter. I said that I would answer him in a courteous and polite manner and nothing more.

I will present your resignation to the proper parties, and in due time will communicate to you their resolution.

Your affectionate friend,

BENITO JUAREZ.

GUILLERMO PRIETO.

REPUBLICAN ARMY OF MEXICO, OFFICE OF BRIGADIER GENERAL,
San Antonio de Bezar, February 6, 1866.

Notwithstanding the several supreme decrees which would have justified me at different times to have separated myself from the Mexican government, yet their indisputable title to legality made me remain at the side of Mr. Juarez, where I would now be were it not for the decrees of the 8th of November, which I consider as an attempt against constitutional order.

When General Comonfort, collaguening with a portion of the army, shielding himself behind the memory of glorious deeds, and flattered by parties interested, gave his *coup d'état*, I, in my humble position, withdrew from the armed mob, and did not vacillate an instant in giving my support to him who was president of the supreme court of justice, and who shortly entered into the exercise of the presidential power. In the struggle for reform, I had the honor to be one of the number who composed the army that, victorious in the capital, were the first to aggrandize the head of the government, so that in his aggrandizement might be seen the triumph of the law. During the present war, the more adverse to our cause was fortune, the more inseparable have I been to the government, and Mr. Juarez will bear me witness, that on treading the confines of the republic, when it appeared that we touched the limits of our territory and our hopes at the same time, I was one of the few who carried that far their faith and respect for the government which still upheld the tattered but glorious banner of the nation.

The decrees of the 8th of November changed the face of affairs, and threw the country back to the times when an obscure plot displaced the will of the nation ; and when reason, which is the law, ceded its place to arbitrariness, which is nothing but a manifestation of tyranny, I found myself more than any one else obliged to separate myself from the so-called government, because to a soldier there was not even the excuse that power was retained so as to continue the struggle, for the same *coup d'état* only asked from the people their indifference in exchange for the government's inaction.

I have arrived here, after extreme difficulty, so that you who have the legitimate title to, and imperious duty of saving the independence and laws of the country, might see me at your side in the station and manner which you may see fit, when you head the ranks of the defenders of independence.

Having made this declaration, I comply with the duties which honor imposes on me ; and if, through any motive which I beforehand respect, you should not find it convenient to present yourself within the republic, I will go and join any soldiers who carry our flag as their symbol, without having lost for one moment faith in the holiness of our cause through your absence ; and thus I shall not be in the sad condition of him who tramples the laws and honor of his country under foot to save our independence, nor of him who compounds with the transgressions of Mr. Juarez.

My acts will, at any rate, serve to explain my opinions, and be a proof that I neither received nor complied with the watchword to break, by force of arms, the rights of the nation. Liberty and reform !

FERNANDO POUSEL.

General JESUS G. ORTEGA,
Constitutional President of the Republic of Mexico.

ARMY OF THE MEXICAN REPUBLIC, OFFICE OF BRIGADIER GENERAL,
San Antonio de Bezar, December 18, 1865.

In the month of August of last year government left the city of Chihuahua and went to Paso del Norte, giving the order to the chiefs and officers who were attached to and followed it, that they might choose a place of residence in any place not occupied by the enemy, and also that it should not be El Paso del Norte. In accordance with these orders, several chiefs, and I among them, took the road to Presidio del Norte, and there, in unison with General Negrete, and inspired by our patriotism, we fortunately got together a few arms so as to be able to hostile the enemy. Two months passed, during which time I became convinced that the resources of the State being frittered away, and the executive taking no initiative part, our efforts would be useless. I vacillated between going into the interior of the republic to join some other forces, or to go to the United States, there to try and procure arms, when I had reason to know that Juarez was seriously plotting his perpetuation in power, which would, in reality, incapacitate national defence, and convert the army into the escort of a usurper. I entered the career of arms with liberty as a godfather. I wished to enter into citizenship on the field of battle, because the war which then raged was for the liberties and regeneration of the masses; and the commencement of my career and the advent of Juarez to power coinciding, I neither had any other name nor other flag to invoke, nor any other cause than that with which he has been identified.

His transformation into a revolutionist was his disappearance from legal right, and an army could only serve him for uses entirely personal. The evils which I then foresaw, the sentiments which from that moment animated me, and my acknowledgment of yourself as President of the republic after the 30th of November, I made manifest to you through a commissioner which I sent to New York in August last, I coming to this city to reside, where I have, as you know, been as useful as I could be to the common cause of our country. This is the simple explanation of my conduct; I think it fully justified, not only from my inward feelings of conscience, not only from the rigid test of the laws, whose unequivocal tenor condemns Mr. Juarez, not only on account of public feeling, which, as it leaks out, shows the bitterness felt for the painful loss of one of our glories—for the name of Juarez was one of our national glories—but on account of the overturning of the legal order, and the danger to independence, because governments to be strong must be just, and usurpation carries within itself the germs of weakness and annihilation. I, one of the least of citizens, but in my expression of national conscience as great as any, have wished to protest by my conduct against the *coup d'état* of Mr. Juarez, so as to be witness that among all classes, and on behalf of all who love their country, there is a unanimous feeling against this overturning of the public right of the nation, against the criminal attempt to divide the lawful cause of the country, and against the probable effect of giving cause for anarchy and fraternal war in the midst of our foreign invasion, and the danger, even if triumphant in this horrible invasion, of receiving the terrible inheritance of civil war and capricious rulers. Having thus expressed my feelings, and fully convinced that you are the legitimate head of the government, I place myself at your orders, so that I may be employed, even if only as a common soldier, in the defence of national independence. Independence and liberty!

M. QUESADA.

JESUS G. ORTEGA,
President of the Republic of Mexico.

NEW YORK, February 22, 1866.

SIR: I herewith send you a copy of the letter which I sent to Mr. Benito Juarez on the 7th of October, of last year. You will note the frankness with which I always express myself, and more than ever when my feelings are brought in contact with the politics of my country.

Benito Juarez, blinded in the extreme, has just given a terrible blow, not only against the constitution and nationality of the Republic of Mexico, but against himself. I trust that he may yet turn his steps and arrive at a full knowledge of the gravity of the crime which he has committed. As in my letter I dilate fully upon the conduct which, in my belief, Mr. Juarez ought to observe, I omit repeating it here, but I wish it to be understood that I protest against the decree of the 8th of November, 1865, given by the referred to Juarez, whom I not only consider as an infamous blot in a government which is known as a constitutional one, but as the volume in which is recorded the expropriation of the rights which belong to a people, and which are now intrusted by them to the president of the supreme court of justice.

Independence and liberty!

JOAQUIN VILLALOBOS.

General JESUS G. ORTEGA,
President of the Republic of Mexico.

NEW YORK, October 7, 1865.

SIR: The extraordinary events now transpiring in our country is the reason why I direct myself to you, to manifest what my opinion of the actual state of the political horizon is, and what I consider as just and necessary. Do not look on this letter as from a philosopher, which I am not, nor as the result of a partiality. What I wish to say to you now is instigated by my love for my country, and for those republican institutions which fortunately still rule us. Take this letter in that light and hear me.

One of the great motives which has actuated France in originating an intervention, has been the disorder and want of respect to the laws in which Mexicans have always lived. Unfortunately, our reform, which originated the agony and death of the retrograde party, caused necessarily, a civil war, but which, in Europe, was not so considered as necessary. Each party, which had come into existence up to the time of the revolution of Ayutla, had put forward their leaders, only to depose them in turn, and the conservative party, incorrigible to the last, owes its downfall to the villany of its acts and men. Not so the liberal party, which, convinced that its only guide could be *law*, pursued from the Ayutla revolution a legal path; and neither defeat nor obstacle has made it change from its original resolution.

The desertion of Mr. Alvarez, which was rather turbulent, compromised materially our situation, but, fortunately, a pacific arrangement quieted everything and opened the path to the presidency for Mr. Comonfort. This gentleman, who unfortunately misunderstood the part he was to play, and wished to become the gratuitous thief of what he legally possessed, brought to light the famous *coup d'état*, and, in doing this, infringed the law and changed public opinion.

You know perfectly well what the result was of this notorious act. The church party extended its arms to the chief of the revolution, not to embrace him, but to strangle him, and Comonfort, undecieved a few hours after his treason, knew that military force had lost its influence in the country, and that nothing but the law held full dominion. We have here the reason why this apostate of Ayutla opened your prison doors and left you at liberty to join the army which was waiting for you, and who unanimously acknowledged you as the head of the government. Nearly all the States lent their adhesion to you and offered to sustain you.

It is undoubtedly the case that when Comonfort violated his oath he left the field open for the ambitious success of many influential politicians, and that it was to be feared that each particular faction, civil or military, should each take a separate and distinct road. However, this was not the case; on the contrary, every republican of any note, capable of successfully playing his ambitious part, constituted himself into a bulwark of the law, and recognized Benito Juarez as the legitimate successor to the presidency of Mexico.

It is needless to follow the course of that struggle; suffice it to say, that in all the defeats of our army, and in all the confusion naturally originating from so many rebuffs, your authority was never questioned, and even when you had to leave the country and embark on foreign waters and travel through foreign countries to return, it was never disrespected or doubted. Vera Cruz, which was the place chosen by the republican government for a temporary capital, opened its doors to the supreme authority of the nation; it raised its walls and gave its sons for the defence of the law in Benito Juarez. The triumph of the national cause was finally obtained, and the capital of the republic offered a seat in its palace to the legitimate President.

Later, and through legal steps, the election for constitutional President was held. A portion of the people voted against you, but a majority elected you to that position, and you were recognized as President by all parties.

From that time the opposition (to which party I belong) has criticised your official acts through the press, but always lawfully, and never have advised that you should be dispossessed by force of arms of your position.

This, without doubt, would be sufficient to prove the respect rendered by Mexicans for duly elected authorities; but God, who, doubtless, wished to demonstrate in a stronger manner our respect for the law, caused foreign intervention to be landed on our shores, so as to completely prove our solidity. In vain have Napoleon and his soldiers tried to disavow, and caused to be disavowed, the President of Mexico. The invader has overrun our country for three years, in every direction, and has been unable to overturn the lawful pedestal on which our banner rests. All the forces who rise to defend the republic do it in the name of Juarez, the laws which are given forth are signed by Juarez, and an account of all the battles won or lost is made to Juarez, and the Mexican United States, who follow no model not fashioned by the law, acknowledge no other authority nor legitimate power excepting that of Juarez. It will, doubtless, be asked, if it is the *person* who accomplishes all this acknowledgment. Is it Benito Juarez, solely as Benito Juarez, who does all this? Undoubtedly no. He may be possessed of sufficient virtues to command great respect, but

what the Mexican United States and society recognize is not Benito Juarez, but the *legality of the law*.

Well, sir, after these hasty remarks and reflections, imagine my surprise to learn that a few Mexicans (residing in New York, calling themselves your friends, and also of our nationality, without being one or other) say, that notwithstanding your term of office has expired, you ought to continue in power, alleging reasons which are far from being satisfactory. These persons, unwittingly, are striving to dim the glory of your term, and would hurl us into sad confusion. No one is ignorant of the path pursued from the time of Ayutla to this date, yet it seems as if this interesting branch of Mexican history is not known by these imprudent advisers. The republic has no other method of being saved except through a respect for its laws, and if consent was given, through a false conviction, to their counsels to violate legality, any one would hereafter have the right to rise as sovereign and rule at his pleasure.

One of the *reasons* given by those who wish you to continue as President is, that General Gonzalez Ortega will not maintain the rights of the nation with safety, and will occasion the loss of a country which you have so worthily defended. I do not wish to judge of this. It may be that they are right, or they may be wrong; but what there is no doubt about is, that your continuation in office illegally, and the resistance to turn over the government which the law demands should be turned over, would make you, not the President of the republic of Mexico, but only a revolutionist. One great proof of the obedience of a people who love republican institutions to their laws is, that after the death of Lincoln, Johnson, without a murmur from the masses, took his seat as President. Europe, which accused the republics of being based on false systems of government, on seeing this changed its tone, and loudly sang a thousand praises in honor of the system which it had attacked. When, finally, the universe has understood that it makes but little difference to a people, who obey their laws, who disappears, and that order is still maintained; when we have such glorious examples before us, shall we, Mexicans, be the first to defile the republic, and give our more scandalous example to the world? Which would be greater for Juarez—to revolutionize and anarchize his country, or deliver up the trust which the law demands, and thus satisfy both the law and his conscience? How grand a spectacle would it be to see on the wide desert of Mexican politics, where there is scarcely a green spot large enough to spread our book of codes, to see two men open this book, and changing the leaves, take or leave power without a struggle and in perfect harmony. What chief of Mexico would doubt the validity of this act, and would not take courage to plume his ambition in honorable flight? The occupation by Johnson of his elevated position would be no more an act worthy to be extolled as belonging to the republican form of government than would be offered, by you by so just an example. Then would all the severe criticisms of many writers, who exaggerate and even misunderstand our manner of government, be tempered in their censures, and these scribblers no more throw dirt in our faces. Then would the celebrated Richard Cobden be once more in the wrong, for he has declared that the republic of Mexico was ungovernable, and that civilization would never enter its doors.

Yes, Mr. Juarez, you can now be the greatest or most contemptible man of our country. Your conduct can either lower us to the lowest depths or elevate us to the orbits of great nations. Do not become responsible to future generations for evil consequences, nor lend a willing ear to aught but the voice of the law and your own conscience. Fortunately you are in the position to act as few others. You have borne the national standard nobly for three years and one-half, in cities and in mountains, and on the same Mexican soil you can turn it over to your successor. If he takes it to the capital of the republic, not on this account will your glory be dimmed; but if, unhappily, this flag should be dishonored in the hands of the new President, there will remain the satisfaction to you of having been able to fulfil what others could not do.

Excuse my thus writing to you; and I repeat that if these remarks are not the best counsels I can give, they are still to the point.

Respectfully,

BENITO JUAREZ.

JOAQUIN VILLALOBOS.

The Mexicans who sign below, residing at this date in New York, on account of not wishing to recognize either the so-called empire of Maximilian or foreign intervention, and knowing that the legitimate base for the sustenance of democratic principles, and of the nationality of the Mexican republic of Mexico, consists in obeying blindly the fundamental compact which binds the nation together, therefore, whatever Mexican spurns said fundamental compact is not worthy of consideration only as a creditor for the severest punishments: therefore,

1st. We protest against the decree of Benito Juarez, given on the 8th of November, 1865, wherein he declares himself President.

2d. We recognize as President of the republic of Mexico, during the time accorded to him by the law, General Jesus Gonzalez Ortega, president of the supreme court, and consequently legitimate successor to Mr. Benito Juarez.

3d. A copy of this shall be sent to citizen Jesus Gonzalez Ortega, to do as he likes with, and the original shall be preserved for whatever may occur wherein it may be needed.

JUAN TONGO,

Colonel in the Mexican Army.

J. RIVERA.

JUAN N. ENRIQUEZ ORESTES.

NEW YORK, February 20, 1866.

No. 4.

Supplement to the first pamphlet of documents published by General Gonzalez Ortega, to excite a rebellion among his countrymen against the national government of Mexico. (No. 6.)

Another word to the Mexican people : General Gonzalez Ortega published a pamphlet in this city, containing letters and other signed documents from Mexicans opposed to the decrees of the national government, issued the 8th of November last, concerning the continuation of Juarez's presidential term and Ortega's responsibility. He says he did not publish many answers to letters addressed to persons at a distance, because they were private, as if a public opinion could not be expressed in a private letter, as it is done by Patoni, Prieto, and Villalobos, in their letters, published by Ortega in his pamphlet. We do not think the resolutions drawn up in New York, by Tongo and Jacob Rivera, and Priest Henry Orestes, as a public document. To supply Ortega's omission, we publish this pamphlet as a supplement to his. It contains the replies of Berriozabal, Zarco, Baz, Tovar, Cuevas, and Robert to the circular mentioned, which Ortega did not publish, because they were private. There is also one letter from Alejandro Garcia, addressed to Juarez, expressing his sentiments and those of his constituents, on the subject of the decrees ; and one from Gregorio Mendez, governor of Tabasco, to Juarez, on the same subject. We also insert a note of Mr. Romero, Mexican minister, to the government of the United States, and Mr. Seward's reply, on the same subject. A letter from Joaquin Villalobos to General Green Clay Smith, member of Congress from Kentucky, and answer, are added.

We could have inserted many more from distinguished patriots who are fighting for independence, but we refrain, because our only aim is to complete the collection of documents published by General Ortega, with letters he has omitted. For the same reason we make no comments. Yet it is a mystery to us why General Ortega made such an incomplete publication, compelling us to finish it, and thus make it impartial. The general's antecedents prevent us from suspecting him of wishing to aid the enemy, and yet we must say that every attempt to disparage the republic is aid to the enemy. Did Mr. Ortega reflect that if the national government at Paso del Norte is not recognized, there is no other to acknowledge but Maximilian's? Can he assert that Mexico has no government, neither in fact nor in law? If the United States should disavow the government of Juarez, would they recognize that of Ortega, not as good? The probability is the United States would say, "Since there is no national government in Mexico, there is no alternative but to recognize Maximilian," for they certainly would not break off all commerce with a country to which they are bound by many ties. Does General Ortega look at the sad picture he would make of our country, the delight of all its enemies? He must see that his efforts to secure the presidency of the Mexican republic excite a sedition against the existing government and give our detractors a reason to say we cannot govern ourselves; that we are essentially anarchical; that, in the hour of calamity, when we ought to think of nothing but the country, give aid to the government, and lend it all our holy efforts, we raise a new party, with no aim but to satisfy an ignoble ambition; we weaken ourselves and contribute to the triumph of our conquerors.

As political friends of General Ortega, we will give him some advice, though we doubt if he needs it after that given to his secretary by Mr. Green Clay Smith. If he really thought himself entitled to the presidency, he should have been present at Paso del Norte before the 30th of November, 1865, to decide the question and take possession of the office, if it belonged to him. But that time has passed, and all he can now do is to say: "While the constitutional authority is settling the question in dispute, I will contribute with my sword to the defence of independence, under the government formed by the people."

The place for a man who has been made general by his country is not in foreign cities,

reveling in the enchantments of a crowded population, without leave, without a commission or order from his government, while a foreign war is waged at home ; but to him, the field of honor is his distracted country.

MANY MEXICANS.

WASHINGTON, *April 4, 1866.*

SAN JUAN BAUTISTA, *February 2, 1866.*

VERY DISTINGUISHED AND ESTEEMED SIR : Your two acceptable letters reached me the 27th of October and 9th of November last.

I will have the decrees Mr. Romero sent me published to-morrow, and with great pleasure, for the whole State approves of them as well as myself. There is no man of greater merit than you in the nation, nor one who has given more hope by taking the supreme command at a time when constant changes created great distrust. The trial of Ortega is a fact that gives influence to the government from the morality it infuses into our society, and especially among our great men, accustomed to stand upon their dignity for protection, for it makes their offences more serious.

G. MENDEZ.

DON BENITO JUAREZ,
President of the Republic, Chihuahua.

NEW YORK, *February 23, 1866.*

ESTEEMED FRIEND : I received the circular issued at San Antonio, on the 3d instant, only to-day. In it you ask me what I think of the decrees of President Juarez, issued on the 8th of November last. In asking this question you say you are supported by the right the nation has to know the conduct of their public men. I acknowledge and approve of the right, and will act upon it when the time comes—that is, when I am called to account by the nation ; but you will excuse me for making a difference between you and the nation, and if I do not consider myself obliged to answer your interrogatories. You address me as a member of congress, and consider me as called upon to express my opinion about national affairs. It might be so if congress was in session, but as I am now out of it, I do not consider myself obliged to answer. I was elected for two years, from the 15th of September, 1862, to the same time in 1864 ; so I am not now a member. You say : " The defence of independence demands that no opposing banners shall be raised " As a private Mexican citizen, who is not a judge of his country to decide the acts of his government, I agree with you, and will do my best to support that government. As there would be no use in the further expression of my opinion, you will pardon me for not answering more particularly. As I am not a public character, and am not called upon to decide political questions and judge the acts of my government, I beg you to consider this a private letter.

Yours, &c.,

JUAN J. BAZ.

DON JESUS GONZALEZ ORTEGA.

NEW YORK, *February 23, 1866.*

MY MUCH ESTEEMED FRIEND : I have just received your circular of the 3d, from San Antonio, enclosing a protest against the decrees of the 8th of November last, issued by citizen Benito Juarez, constitutional President, and his minister Sebastian Lerdo de Tejada, and asking my opinion of those acts.

I will not answer your note officially, because I am a member of Congress, as you know, one of the chief bodies of the nation, absolutely independent, and none of its members can be called to account for a year after the close of the session, and then only legally by the executive or judiciary, according to certain laws ; so if I answered you officially I would pass for an ignoramus, and would make myself responsible to the body to which I belong, and to the nation whose laws I have violated. To tell you, then, which side I take would be equivalent to raising one of those banners of revolt that you condemn, and which concerns an internal question in which I do not wish to meddle during this crisis of the republic. As I am a friend of order, I have always condemned any misconduct of my fellow-citizens. I am no blind partisan of any cause, and I think the unfortunate situation of our country is owing, in part, to the want of zeal, good judgment, morality, and purity in some of its former rulers, and to the odious treason of some of its native-born sons.

At this solemn time I am only thinking of its independence, the union of all Mexicans who have firmness and constancy in their hearts, and are enthusiastic in their efforts to re-

pol the enemy—the invader who is trying to take the country the early revolutionists gave us, the same country now defended by the soldiers of liberty. Without a country, we would have no territory or inhabitants to enforce institutions and test legality; no tribunals to determine the responsibility of those who have failed to do their duty, and thus done evil to their country.

On learning you were in the city of New York, I am rejoiced to hear you have the firm resolution of attending to national interests, and of returning to the territory to continue the defence of independence; for when that is safe, all the rest will follow. I am sure you will provoke no discord, but will join in the union for salvation; and then those who have been injured will be revenged, and the guilty will meet with a just punishment.

I did not come here of my own will, but by superior order, to fulfil a commission, which I fear I will not be able to perform for want of means. When my business is over and my health restored, if not ordered to remain, I will return to Mexico. I consider myself obliged to make this reply known to my fellow-members. I hope this candid answer will not diminish our former friendship.

LEANDRO CUEVAS.

General JESUS GONZALES ORTEGA.

NEW YORK, *February 23, 1866*

ESTEEMED FRIEND AND COMRADE: I received your communication of the 3d instant, issued at San Antonio, only this day, with several copies of your protest against the decrees of the 8th November of last year, and a manifest to the nation on the same subject.

You ask me, as a member of congress, how I receive the decrees—if I approve them or not. In the first place, I must inform you I am not a member of congress, though I was at the last session, which ended in 1864; so, as a member, I have nothing to say about the decrees. This ought to be a full answer to your question; but, without saying whether the Juarez government is in fact or in law the right one, it is certainly the only one we have, and we ought to support it. I for one am disposed to obey all orders from it, and will stick to the national defence.

From your manifest and what you say in your letter I am convinced you are persuaded of the harm two parties would now bring to the republic. We are weak, and must keep united to resist the ills that foreigners would bring upon us. The country must have a single government, a centre round which to concentrate and to have a proper effect abroad. It would give a great advantage to the invaders if the country were divided. Therefore, I repeat, I will stand by the government in its defence of the nation.

This resolution is entirely disinterested, for I have nothing to gain from the national party; but it is my duty as a Mexican, particularly under the present trying circumstances, to lay aside all personalities and act for the public good.

I do not entirely approve of the tenor of the decrees, particularly of that portion relating to you, for I think they can do no good in these troublous times, when all ought to be friendly and united in the same holy cause. I am glad I have taken no part in them; for, if they are enforced, harm will certainly result, the country will be split into parties, and anarchy will prevail. As a Mexican and a friend I advise you to remain firm in your patriotism, unless you seek harm. The world is looking at us, and our enemies will take advantage of every imprudence to show that we cannot govern ourselves, and this they are constantly repeating. I hope you will excuse me for replying to your official communication in this letter; but as I am not now a public character, and as you have no right to question a citizen on such a serious subject, I must return your note, and sign myself, &c.,

FELIPE B. BERRIOZABAL.

General JESUS G. ORTEGA.

NEW YORK, *February 24, 1866.*

MUCH ESTEEMED FRIEND: Your communication of the 3d from San Antonio reached me yesterday. You ask my opinion about the decrees of the 8th November, prolonging the Juarez presidency. Your excuse for the interrogation is the right the nation has to know the conduct of its public men, and your right to obtain that information.

You address me as a member of congress; I am not, nor have I been since 1864. I am a Mexican citizen, who preferred living in a foreign country to submitting to French intervention, since I could be of no service to the national cause. But on account of my former friendship with you, and because I never make a mystery of my opinions, I will give them to you privately in this letter. I do not acknowledge you have a right to ask me these questions, but from courtesy I will answer them.

If the nation hereafter desires to know what I am now doing abroad I can tell it; but till that time, I choose to keep silence.

My former conduct in regard to legal order and progressive principles is well known to my fellow-countrymen, and my efforts to maintain the supremacy of the law have been constant, both through the press and by public acts, and I have been persecuted by factions conspiring against legality and by the enemies of liberty. As to my approval or disapproval here of acts of the government of Mexico, representing our nationality, I would be failing in my duty if I excited controversies that could only serve to strengthen the foreign usurpers. My only desire is the independence of our country; in presence of this holy wish everything else seems low and contemptible. I insist that intervention and monarchy are most atrocious injustice and scandalous outrage, and that the people of Mexico, oppressed, conquered, disgraced, will never submit to a foreign yoke, but will ever struggle for their republican institutions; and I think that is also the duty of those Mexicans who are living out of the country, without thinking of domestic dissensions.

The decree in which Mr. Juarez prolongs his presidential mandate seems to me to be given conformably to the powers granted to him by congress to sustain the situation, and they are within the restrictions imposed upon him. He can do anything not prohibited; so I understand the spirit that guided congress, and in this conception I drew up the bill that became a law, and supported it in debate as a member of the committee of relations.

As a plain citizen, I therefore recognize Juarez as the legitimate President of the Mexican republic, and I wish the most influence and greatest success to his government, the existence of which, before the world, is identified with our nationality. Do not infer from this that I approve of all the acts of the government. If I see some errors, I deplore them and regret them, and I think no private citizen should censure our ruler when the enemy is upon us. If the government acts wrong, makes mistakes, the day will come when it may be called to account, and the country will do justice and pronounce a sentence or remunerate.

In the mean time there is no sacrifice the aggrieved or offended in any way should not make for the government, no matter if it has not taken their advice or made use of their services. The first and least painful of these sacrifices is silence, because every voice that calls out against Mexico is heard in favor of the invader. There is only one case where silence is not necessary, in my opinion, and in which the government would lose all its legitimacy, and make the cause of the rebellion just and holy—that is, by its accepting intervention; but fortunately this case is impossible, and on this point there is no one who does not feel the greatest confidence in the patriotism and constancy of the President of the republic.

I have not hesitated to speak to you frankly, because I see from your communication you are opposed to the raising of two flags, and because you are prepared for every sacrifice to save your country. You who have the glory to have been one of the chief soldiers in the restoration of order, and who have done so much in the present foreign war, will exalt yourself more in the eyes of your fellow-citizens by this sacrifice, if to refrain from raising another banner in Mexico, to increase our dissensions, to weaken us, and to make the defence of independence impossible, can be called a sacrifice.

As I serenely contemplate the situation of our country, I do not despair of its future; my only hope is to see Mexico free and independent.

My opinion is the more impartial as I have nothing to fear or to expect from you or Juarez; and I am sure, after independence is recovered, we had better give way to new men, who are younger and stronger, for revolutions break down those who take part in them.

Your friend and servant,

FRANCISCO ZARCO.

JESUS GONZALES ORTEGA.

TLACOTALPAM, February 26, 1866.

DEAR SIR AND FRIEND: I yesterday received from Mr. Romero your esteemed letter of the 10th November last, mentioning your decree prolonging the presidential term, and naming General Dias chief of the eastern line, and appointing me second.

I said in mine of the 14th that I had ordered a vote on the subject long before I had received the decree and accompanying documents, and the result is a unanimous assent to the decrees. I am now publishing the resolutions in the official bulletin, which I send you as it comes out. I also send them to Mr. Romero for the information of the United States, and I will continue to do so, and will send the complete document to the department of government.

Though I cannot send you all these resolutions at once, as I said before, you can act with the assurance that all the eastern line is in your favor.

ALEJANDRO GARCIA.

DON BENITO JUAREZ,
President of the Mexican Republic.

NEW YORK, February 27, 1866.

VERY DEAR SIR : I received your circular of the 3d, published in San Antonio, (Texas,) this day. You ask me, as a member of congress, my opinion in regard to the decree of the 8th November, prolonging the presidential term till a new election can take place.

Believing the constitutional government has acted in conformity with the powers conferred upon him by congress, I have never opposed its acts, as I think, as you do, it would be unpatriotic.

I tell you this, not because you have a right to ask me, but because my opinions are public, and politeness to you prompts me to answer you.

Yours, &c.,

CIPRIANO ROBERT.

Don JESUS GONZALEZ ORTEGA, *Present.*

[Private.]

NEW YORK, February 28, 1866.

MUCH ESTEEMED FRIEND : I have received your circular, your protest, and your manifest of the 3d instant, in regard to the decree of President Juarez continuing his presidential term while the French continue to invade Mexico.

I am surprised you ask my opinion in the matter, since nobody has the right to question me in such things. Moreover, I am not now a member of Congress, for my term expired in 1864. But for politeness, I will tell you what I think. I think the President acted in accordance with article 128 of the constitution when he issued the decrees mentioned. Now the three powers of the nation are the President, the supreme court, and congress.

The President is first, and the natural guardian elected by the people. His duty is to protect it under all circumstances, particularly in times of foreign invasion. Next to him comes the president of the supreme court of justice, also elected by the people, and intended to fill the President's place in case of default. Then comes congress, which is put last, because in troublous times that body cannot always be kept together.

I could adduce many occurrences of the last eight years in support of my opinion ; but what I have already said will make you understand why I think citizen Juarez was right in promulgating the decrees in question. And there is another strong reason why I must acknowledge Juarez as President of the republic—the troubles afflicting the country. If I had been in the country at the time the decrees were issued, even if I had been opposed to them, I would have kept my opinion secret, and continued to fight for the independence of the country. I am rejoiced at your resolve not to divide the party by hoisting a new banner, and earnestly exhort you to join us against the usurpers of our nationality.

As ever, your friend, &c.,

PANTELEON TOVAR.

Don JESUS GONZALEZ ORTEGA.

NEW YORK, February 28, 1866.

DEAR SIR : I see by the papers that you, as a good American who takes an interest in Mexican affairs, have asked the Executive when Juarez's presidential term would expire. You also ask if an election has taken place, or can take place during intervention.

As all the documents on this subject are soon to be published, I beg you to wait till then, that you may learn all about it, and act accordingly. I will send you from time to time what is intended for publication.

Respectfully, &c ,

JOAQUIN VILLALOBOS.

Mr. GREEN CLAY SMITH,

*Member of House of Representatives,
Washington, D. C.*

WASHINGTON, March 2, 1866.

DEAR SIR : Yours of the 28th has reached me.. I am obliged to you for the information you offer in regard to the close of the administration of President Juarez

My object in offering the resolution was to have a publication of all the documents pertaining to the subject now in the hands of the Executive, and they ought to be complete, for the information of Congress as well as the people.

Your most obedient servant,

GREEN CLAY SMITH.

Mr. JOAQUIN VILLALOBOS, *New York.*

NEW YORK, April 3, 1866.

MUCH ESTEEMED FRIEND: Serious family cares have prevented me from making a few observations on the pamphlet of Mr. Gonzalez Ortega against President Juarez, and I would not now notice the production if the imperial papers were not discussing it.

I don't think Mr. Gonzalez Ortega will be pleased with what the enemies of independence say about his protest and manifest, and I believe he will repent of it when he sees the consequences. He might have meant well, but he has certainly done ill. He will suffer enough from the diatribes of those malicious periodicals.

I will proceed to give you some ideas that came into my mind when I read the pamphlet in which Ortega endeavors to draw obloquy upon the government, which he says "is located in one corner of the republic." He said, "Juarez is in the republic, it is true, but exists in a small corner of the territory."

What can be Ortega's object to ask the people of New York, where he now is, their opinion on the subject? I cannot guess. Only to find out? We Mexicans abroad are not the country, and it seems almost like recognizing the intervention to remain here. What Mexicans are now the real representatives of the country? Surely not those under the foreigners and traitors, for they have no suffrage. But who can do this? Those who, without bread, arms, or ammunition, oppose intervention, suffer from hunger and want of clothes, and do all they can for independence only to see Mexico free, with no reward, and the gibbet threatening them in front.

These are the real representatives of the nation now, and Mr. Gonzalez Ortega ought to consult them, if he wants to know the opinion of republicans.

Let us consider what these patriots have done since the decrees of the 8th November.

General Diego Alvarez published the decrees in the south, and recognized the President as the true government. General Francisco de Leon, acting governor of Tamaulipas, submitted to General Carvajal, appointed governor by Juarez. General Escobedo, governor of New Leon and commander in Coahuila, sent word to General Carvajal that he was subject to his orders. General Alejandro Garcia, governor of Tabasco and chief of the eastern line, continued to acknowledge Juarez as President. The brave General Regules is appointed to command the centre by this same man Juarez. Sonora, Sinaloa, and Chihuahua recognize him. Thus you see all the brave men who fight are in favor of Juarez, and continue to stand by the chief magistrate who has supported the republican flag, *if it is in one corner of the Mexican territory.*

But, if that is not sufficient to legalize the presidency of Juarez, if article 128 of the constitution is not enough, we have the full powers granted him by congress on the 27th October, 1862. To show you I am right, I will cite a grave fact, approved by the nation. By these extra powers, the 16th June, 1864, Juarez called a session of congress, *declaring that the clergy and federal employes could vote, and no certificate of residence would be required of any one, whether elected by a State or territory.* Now, these orders are contrary to the constitution of 1857; yet the nation did not raise its voice against them, but elected representatives from Sinaloa, Sonora, Coahuila, New Leon, Chiapas, Oajaca, Chihuahua, Guerrero, Tabasco, and that part of the State of Vera Cruz not held by the enemy. Thus the republic supported the President in his reform of the constitution; then has he not the right to do what he pleases to save that constitution and the independence of the republic? I think so. And I also think General Gonzalez Ortega would have done better to keep silence, and thus fulfil a patriotic duty, and not provoke the *Sociedad* newspaper to say: "The bold Roman who exhibited the bloody body of Caesar to the people did no more injury to his assassins than Gonzalez Ortega does to legality by exposing its bleeding body in garments that are not spotless, owing to his acts."

Yours, &c.,

PANTALEON TOVAR.

DON SEBASTIAN LERDO DE TEJADA,
Paso del Norte.

Further data.

Since this supplement went to press we have received the news that Colonel Naranjo and Commander Saenz refuse to join General Negrete in his protest against the government. Their answers to his note are too long to be inserted here. Negrete utters this falsehood: "The danger of the situation increases, because the government at Washington will not recognize Juarez. Relations are broken off, and will not be renewed till the new President fixes his place of residence."

The circular is dated the 27th January, *on the banks of the Rio Grande.*

Among other things, the colonel says in his answer: "The traitors say they are only pretending to adhere to the empire, and will soon show which side they are on." "Where is your President? Just where you are; and yet he presents himself before the entire nation from New York? He is the personification of law and justice, while he condemns a man who is doing his duty at the head of the defenders of independence."

The above letter is from Villaldama, the 6th of February, 1866. Commander Saenz says, among other things:

"I have already seen your letter, Mr. Negrete, and I think you ought to know us better than to address us in that manner."

"You were the bitter enemy of Ortega in Chihuahua, *threatening to murder him in some way*, and now you exalt him as our only savior. I can hardly believe it, yet it is true. It was reserved for a Negrete, a Gonzalez Ortega, to appear in the darkest days of sorrow in their country, like unnatural sons who come to kill their dying mother and divide her inheritance between them." "Indeed, I do not think you are the pilots to save the ship containing the precious treasure of our independence; you are inexperienced and have not the courage. This is what I think of you, when I hear you profane the sacred name of country and independence, and quoting the constitution to sustain you, interpreting it after your own fashion, of course. But when I examine your speech, I find the truth is wanting, and I become indignant." "I must say to you, for the last time, what you see here written contains my opinion, and you will always find me consistent." "All we want is to save our country, and we think we shall; if not, we fall in the attempt. Ready for every sacrifice, we defy the world, if the world dares molest us. If the Mexican nation sink, we will sink with it." (Dated February 7, 1866.)—*Supplement to No. 11 of the official paper of the government of the Mexican republic.*

Such is the opinion of the only ones who have a right to give it, and they are those who march with arms in their hands.

P. S.—We have just received No. 11 of the official paper from Paso del Norte, dated 8th March, 1866. It contains notes from Antonio Pedria, governor of Lower California, and from Garcia Morales, military commander of Sonora, applauding Juarez for issuing the decrees of the 8th November.

No. 5.

GENERAL GONZALEZ ORTEGA AND HIS NINE INDORSERS *VERSUS* THE MEXICAN NATION AND THE CONSTITUTIONAL PRESIDENT OF ITS UNANIMOUS CHOICE, WITH AN APPENDIX, CONTAINING ACCOMPANYING DOCUMENTS.

A pamphlet in English, intended for circulation in the United States, and prominently put forward within a few days, has been issued by a Mexican general, Jesus Gonzalez Ortega, a pretender to the presidency of Mexico.

In Mexico, where, if anywhere, such an appeal is in place, scarcely a word in reply to it would be needed, for public opinion there, with a unanimity far greater even than that which re-elected Abraham Lincoln President of the United States, has already decided the question beyond recall. Negative proof of this, of itself conclusive, is afforded by the pamphlet itself. It contains, as appendix, what Ortega, in the title, calls "letters in ratification of his position." He had seven months to collect these. They are spread over twenty-six pages.

Who are Ortega's indorsers?—How many of these letters are from Mexican officials? Not one. How many are written from Mexico at all? Not one. How many are there in all? Nine—four written from Texas and five from New York. Who are the writers? Two are ex-governors of States, two ex-brigadier generals, one ex-postmaster general, one ex-colonel; every one of them disaffected ex-officials, absent from their native country in her hour of danger and suffering. Three more make the list of Ortega's indorsers—one an ex-editor and two others whom nobody knows.

Nine malcontent refugees! He omitted, on his muster-roll, one additional supporter, whose name should have been the tenth—Manuel Ruiz, formerly acting minister of justice, who, in November last, declared for Ortega, and in December went over to the French.—(House Ex. Doc. No. 73, 1866, part 2, page 40.)

The voice of the Mexican nation.—How, meanwhile, during these seven months, has the announcement of Juarez's extension of term, necessitated by French intervention, been received? Jubilantly; by acclamation. The details would fill a volume. The governor of the State of Vera Cruz, Alejandro Garcia, second in command of the eastern division of the Mexican republic, in sending on (as early as February last) manifestoes from seventeen towns within his State, says: "The letters already received on this subject are too voluminous to be sent." (House Ex. Doc., 1866, part 2, page 52.) The manifestoes referred to (pp. 54

to 63) exhibit in brief and simple phrase the enthusiasm of the people. There has been throughout the entire nation, whether as regards officials or municipal bodies or public men, no exception. Not a governor of a State, not a town or city under native rule, but has declared for the continuance in his present position of President Juarez. Nay, more, not a Mexican citizen resident in Mexico has, in public harangue or in printed communication, expressed disapprobation of the extension of Juarez's term of office, or given in his adhesion to General Ortega. We might search in vain throughout modern history for a parallel example of national unanimity.

Proofs.—So far as proof of these statements can be supplied, without swelling this pamphlet beyond reasonable limits, it will be found in an appendix. Letters are there given from every governor, now acting as such, within the republic of Mexico, from distinguished officers now in the field, and from public men, all approving the action of Juarez in prolonging his presidency during the war. Several of the towns went further than this, adding an expression of their earnest desire that Juarez should be elected President for a second term, after the present war is over.

Mexican sentiment in California.—But it is not to the country over which Juarez's jurisdiction extends that the confidence reposed in him by his countrymen is restricted. California attracts Mexicans in large numbers, and from that country also comes to us, through loyal associations and otherwise, a concurrent meed of approbation. In the congressional document already quoted (pp. 43 to 48) examples will be found. The patriotic Mexican clubs of San Francisco, of Sacramento, of Virginia City, and others, by addresses numerous signed, testify in the strongest terms their approval of Juarez's course. Is there among these hundreds one voice for Ortega? No. Of his corporal's guard of nine not one hails from the shores of the Pacific.

Here these remarks might terminate, for the question is a domestic one, as to which Mexicans are the sole arbiters. But it may interest some readers briefly to inquire whether the popular verdict is as just as it has been unanimous.

Constitutional argument.—The articles of the Mexican constitution upon which Ortega's pretensions are based will be found in House Executive document, 1862, No. 100, at page 148, as follows:

ARTICLE 79. In temporary default of a President of the republic, and in the vacancy before the installation of the newly elected, the president of the supreme court of justice shall enter upon the exercise of the functions of President.

ARTICLE 80. If the default of President be absolute, a new election shall be proceeded with, according to the provisions of article 76, and the one so elected shall exercise his functions until the last day of November of the fourth year following his election.

ARTICLE 82. If, from whatever reason, the election of President shall not have been made and published by the first of December, upon which the change is to take place, or if the newly elected is not able to enter promptly upon the exercise of his functions, the term of the preceding President shall nevertheless cease, and the supreme executive power shall be deposited, *ad interim*, in the president of the supreme court of justice.

This is from the translation of the Mexican constitution officially communicated to the State Department. The concluding phrase of article 82, which contains the gist of the matter, reads in the original as follows:

"El supremo poder ejecutivo se depositará interinamente en el presidente de a suprema corte de justicia."

The literal translation of the word "interinamente" is "provisionally," "temporarily." And the provision is, that the supreme executive power shall be deposited (or, as we express it, shall vest) *provisionally* in the president of the supreme court.

Originally, Mexico had, like the United States, a senate and a lower house, the vice-president, as with us, being president of the senate. When a change was made limiting the congress to a single chamber, the chief justice was selected as vice-president to fill any vacancy caused by death or other default of the President.

The whole context of the articles quoted shows that the arrangement which placed the chief justice in the presidential chair was to be strictly a temporary one. "In temporary default of a President," (Art. 79,) the president of the supreme court is to take his place. Against his permanent occupation of the seat a jealous guard is set. In case of the President's death the chief justice is not allowed, as under our Constitution the Vice-President is, to serve during the rest of the presidential term. "If the default of President be absolute," (Art. 80,) a new election shall be held. The policy is plain. Its spirit cannot be misunderstood. No one but the man actually voted for as President is, under any circumstances, permanently to occupy the presidential chair.

There was jealousy on another point. An ambitious President, hoping, perhaps, to hold office in perpetuity, might intrigue to prevent or postpone an election for his successor. In order to defeat any such intrigue, it was provided (Art. 82) that, when the term for which a President was elected had expired, the executive power was to vest in the chief justice

The debates in the convention which adopted the Mexican constitution show that this was the spirit and intent of the provision.

Article 82, taken alone and according to its letter, undoubtedly gives the presidency temporarily to Ortega, as chief justice, the words being, "If, from whatever reason, the election of President shall not have been made and published by the first of December;" and the election, in point of fact, not having been made and published by that day. But taken in connection with the articles which precede it, and in view of the well-known intent of its framers, and, yet more especially, interpreted in the light of that policy which distinguishes the Mexican constitution from ours, namely, that he only shall permanently act as President who was elected to be President, not he who was elected as a temporary substitute, it would have been a direct violation of the spirit of the articles quoted, had the substitute in this case become the principal.

It will be observed that the words are not "If, from whatever cause, no election can be held." The contingency anticipated evidently was that in which an election, though possible, was not held or was not published; a contingency much more likely to happen through intrigue of an unscrupulous incumbent, in an unsettled government like the Mexican, than among us. But, in the case we are considering, no man can doubt Juarez's great desire that it had been possible to hold an election; and as little can we doubt that, if it had been possible, he, by an overwhelming vote, would have been a second time the people's choice.

The contingency of a foreign invasion so formidable in its proportions as to overrun the country, and render impossible the holding of an election at all, was evidently not in the minds of the framers of the constitution. Not anticipating it, they did not provide for it. In providing for another case they used words which, if we accept the letter to the exclusion of the spirit, and construe the word *interinamente* to mean *indefinitely*, may be claimed to justify a proceeding which was clearly neither foreseen nor intended.

But, in addition to this the Mexican congress, in view of the military necessities which, when the French invasion began, they foresaw, granted extraordinary powers, suited to the emergency, to the President. By a law of December 11, 1861, they decreed:

ART. 2. The Executive is hereby fully authorized and empowered to take such steps, and adopt such measures, as in his judgment may be necessary under the existing circumstances, without other restrictions than that of saving the independence and integrity of the national territory, the form of government established by the constitution, and the principles and laws of reform."

Suppose the term of election of the governor of a State had expired during the war, with no possibility to elect his successor, is it not certain that Juarez had the power, under that law, to prolong his term of office? Is it not equally certain that he had the power, if he saw fit to exercise it, to prolong his own? Must he not have been certain that the people, almost unanimously, desired that prolongation? Has it not since been proved, beyond all denial, that they did? And ought he, from motives of false delicacy, and to satisfy a technical scruple, to have thwarted the national will at a moment when everything—even the salvation of the very constitution from which we have been quoting—depended upon popular unanimity, and popular confidence in the executive head? That would have been to reverse what we are told of the Sabbath, and to say, "Mexicans were made for the constitution, not the constitution for Mexicans."

"The letter killeth, but the spirit giveth life." Never was there a more complete exemplification of the text than in the present case. Blindly to follow the letter of the law, under circumstances in which it was clearly never meant to apply, and thus to violate its spirit, would have been to prefer technicality to vitality, and, in all human probability, to have sacrificed the life of the nation thereby.

Is it strange that the Mexican people, listening to common sense, preferred the substance to the shadow and ratified Juarez's decision?

Ortega resides in New York—But the people of Mexico may have had additional cause, of a personal character, for their decision.

On the 28th of December, 1864, General Ortega made an application to the Mexican government, through the minister of foreign relations. He does not give the text of that application in his pamphlet; but we find it in the congressional document already quoted, (No. 73,) page 30. He applied for "license to repair to the interior of the republic, or elsewhere within Mexican coasts, to continue to defend with arms the independence of Mexico." And he added: "As the interior States are occupied by the invaders, I may have to pass some sea or foreign territory to realize my desires, and I hope you will inform the citizen President of this."

Two days afterwards, to wit, under date December 30, 1864, his request was acceded to, leave being granted him to "proceed either directly or by traversing the sea, or through some foreign country, to points of the Mexican republic not occupied by the enemy, to con-

tinue to defend the national independence," &c., but not a word about going to a foreign country, there to remain.

Yet the said General Gonzales Ortega, leaving Mexico in February, 1865, and passing by way of Santa Fé to New York, instead of proceeding to any part of Mexico, there to fight for her independence, has absented himself even to the present time, throughout these darkest days of his country's history.

Which of the two men were the people of Mexico more likely to desire as their standard-bearer—the patriot who has remained faithfully at his post and endured, even to this hour, the burden and heat of the day, or the man who, under cover of a license to proceed through some foreign country to points of the Mexican republic, there to defend her independence, went direct to New York, and has since spent his time chiefly in that city, leaving his country to her fate?

But these are trifles. The fact is, indeed, that the Mexican people have no longer any confidence in Ortega; but even if that had been otherwise, the national decision would have been the same—in favor of their long-tried leader, Benito Juarez, and of the spirit of their federal constitution.

Animus and object of Ortega's pamphlet.—This appeal, by a Mexican general, to a foreign people, against the unanimous verdict of his own countrymen, is a scheme fraught with unmixt mischief, and not even redeemed, as many unprincipled schemes are, by the poor excuse of possible success in attaining its ostensible object. Mrs. Lavinia Janetta Horton Ryves, a recent claimant for royal rights in the English law courts, was as likely to dethrone Queen Victoria as General Ortega is to displace President Juarez. No sane man, even slightly conversant with the facts, for a moment imagines that he can. That is not the object of Ortega's pamphlet. If it had been, that document would have been published in Spanish and in Mexico, not in English, to circulate among us, who have no voice in the matter. Its object is, injury, by base indirection, to a noble cause. Its object is, to create doubts throughout this country, in the minds of the uninformed, as to the stability of executive authority in Mexico, for what ulterior purpose we need not inquire.

Suffice it that the whole affair is the flimsiest pretext; an effort, transparent as glass, to get up the idea that there is a contest for the Mexican presidency. A contest! If there be, it is one in which there is the Mexican nation, including all its officials, civil and military, duly represented near our government by its accredited minister, on the one side, and, on the other, nine absentees, without present position or influence, led by a Mexican general, brave, very likely, and who, in former days, may have done good service in the field, as Benedict Arnold did before he turned traitor to his country.

APPENDIX.

The following are letters, or extracts from letters, variously addressed, from every governor of a State in the republic of Mexico, now acting as such. It will be seen that every one approves of Juarez's course:

From General Diaz, governor and military commandant of the State of Oaxaca and commander of the eastern division, to the Mexican minister.

TLAPA, May 9, 1866.

I have caused the publication here of the late decrees of the government.

The first, with reference to the extension of the constitutional period of the President, has been received with great satisfaction. It is unnecessary for me to speak of my own views, for they are always manifested in my conduct, which consists in entire obedience, or in entire withdrawal from official position, when my convictions do not permit my concurrence in the policy pursued.

In the present case, the step taken by the President is, in my judgment, not only opportune, but the only course that is consistent with the salvation of our cause.

The decree which orders the submission to trial of General Ortega and other officers similarly liable is, in my judgment, well founded in the ordinances and practice of war.

My opinion with reference to the strict maintenance of the ordinances is well known; they should always be rigorously applied.

I believe, therefore, that the government has only done what was its duty in this matter.

I remain your attentive friend and servant,

PORFIRIO DIAZ.

Señor Don MATIAS ROMERO, Washington.

From General García, governor of Vera Cruz and second in command of the eastern division, to President Juárez.

TLACOTALPAM, February 26, 1866.

VERY DEAR SIR AND MUCH RESPECTED FRIEND : I informed you in my letter of the 14th instant that on the 1st, before I received your official decree and other documents prolonging your term, I had sent out a circular to all the authorities within the lines to ascertain the will of the people.

I have received assurances from every quarter acknowledging your right to continue in the presidency of the republic till another constitutional election can be held.

I am now receiving the manifestoes and am publishing them in the official bulletin, of which I send you copies. I also send some to Mr. Romero, for any good use he may make of them in the United States, and I will continue to do so by every opportunity. When complete, I will despatch them to the department of government for due consideration.

I repeat to you what I said in my last; that is, though I cannot send you the facts now, you may rest assured that all the eastern line will vote in the same way.

Nothing new has occurred since my letter of the 14th.

I think General Díaz is in Tlajaco, though I am not sure of it, for, in spite of all my efforts, I have not been able to communicate with him.

In the hope that you will continue to favor me with your welcome letters, I remain your friend and servant,

ALEJANDRO GARCIA.

Señor Don BENITO JUAREZ,
President of the Mexican Republic.

The next letter is from the victor in the late encounter on the Rio Grande, in which a rich train, worth from one to two million of dollars, was captured.

From General Escobedo, governor of the State of New Leon and commander-in-chief of the forces on the Rio Grande, to the Mexican minister.

RIO BLANCO, April 26, 1866.

• • • • We are all here perfectly united and decided upon the presidential question, and the recent decrees have been received without question whatever, all being disposed to continue obeying and respecting the government of President Juárez.

The same is the case in the interior, and the disposition is particularly manifested by all the liberal papers, which with so much valor and constancy have continued defending the national cause, even in many cases in places occupied by the forces of the so-called empire. All of our news from the interior is satisfactory. On all sides the public spirit is rising, and the adhesions to the farcical empire changing to the reverse.

What we require is arms, and particularly sabres for our cavalry. It is impossible that our soldiers, armed only with an old musket, or a rifle, can compete with the French cavalry, or the Austrian, or even the traitors, who are all well mounted, armed and equipped. Nevertheless, we do not avoid the combat, and many times have measured arms with them with good success.

I am your attentive and obedient servant,

MARIANO ESCOBEDO.

Señor Don MATIAS ROMERO,
Washington, D. C.

From the governor and military commandant of the State of Coahuila.

OFFICE OF THE GOVERNOR AND MILITARY COMMANDANT OF
THE STATE OF COAHUILA DE ZARAGOZA,
Rosas, December 8, 1865.

As this government and command has received the supreme decree of the 8th of November last, prolonging the functions of the citizen President of the republic for the specified time, during the present state of the war, and those of the powers of the person who may be president of the court of justice, for the time necessary to the object of its prolongation, and sees that it is in conformity with the spirit of the constitution, and to the interests of the republic, agreeable to the national will, and particularly to this State, it therefore decrees that it be fulfilled, and for that purpose has published it this day to the authorities

and forces under its command, and will endeavor to give it the greatest publicity in the State.

I have the honor to communicate this to you, for your information and that of the chief magistrate of the nation.

Independence and liberty!

A. S. VIEZCA.

EDUARDO MUSQUIZ, *Acting Secretary.*

The Citizen MINISTER OF RELATIONS AND GOVERNMENT, Chihuahua.

From the governor and military commander of the State of Sinaloa.

GOVERNMENT AND MILITARY DEPARTMENT OF STATE OF SINALOA,
Concordia, December 24, 1866.

I have the honor to acknowledge the receipt from your department of the circulars of the 28th of October and 8th of November, and of the two decrees issued on that last date.

These supreme resolutions shall be rigidly enforced by this State under my command, since in it is involved nothing less than the firm establishment of the supreme authority of the nation. and likewise, as is well understood, the responsibility incurred by those soldiers of the republic who have abandoned the cause in its hour of need, and gone abroad to foreign lands

Orders have been issued to circulate these welcome resolutions through all the districts, and to have them promulgated in general orders to the united brigades of Sinaloa and Jalisco. I communicate these measures to you, in order that through your means they may come to the knowledge of the supreme magistrate of the nation.

Independence and liberty!

DOMINGO RUBI.

F. SEPULVEDA, *Secretary.*

The MINISTER OF FOREIGN AFFAIRS, Chihuahua.

From the governor and military commander of the State of Sonora.

I have received with positive satisfaction the two decrees issued by the President under date of the 8th of November last, and the circular from your department with which you were pleased to accompany them, the first of them relative to the prolongation of the term of the supreme magistrate of the nation, as long as the condition of the foreign war in which we are involved does not permit a new constitutional election to be had, and the second relative to the prolongation of the term of the supreme magistrate of the nation, and the mode of supplying his place, if in the mean time he should happen to fail.

The anomalous circumstances in which the republic unfortunately finds itself, the deficiency or silence of the general constitution on a point of such vital interest to the nation, the spirit of articles 78, 79, 80, and 82 of the same fundamental code, and, finally, the collection of powers bestowed on the executive by the legislative body of the Mexican union, under date of the 11th of December, 1861, afford superabundant ground and justification for the first of the above-mentioned supreme resolutions, in which the enemies of our country can never see anything else than the unflinching zeal of the President for the maintenance of legitimate authority, the most mature examination in his measures, and, above all, his singular abnegation in facing a situation so stormy as the present one, without any other recompense than the satisfaction always caused by the fulfilment of duty, however onerous it may be.

Independence and liberty! Camp in La Noria, February 1, 1866.

J. GARCIA MORALES.

D. ELIAS, *Acting Secretary.*

The MINISTER OF FOREIGN RELATIONS AND GOVERNMENT.

Paso del Norte.

From Major General J. M. J. Carvajal, governor of the State of Tamaulipas.

SANTA ROSALIA, June 15, 1866.

MY DEAR SIR: I have now reached the territory of Tamaulipas, and find the people here full of good feeling, and resolved not only to continue their sacrifices in defence of the national cause, but convinced of the necessity of an absolute obedience to the legitimate

authorities, and determined to frown down all such ambitious plans as those of Ortega, which only serve to divide us and to aid the partisans of the intervention.

I therefore find that all are willing to obey me as governor and military commandant of this State by virtue of the appointment of President Juarez, who is recognized as the lawful and legitimate President of the republic, without there being in all the State of Tamaulipas—as there scarcely is in all the republic—a single person who does not approve the decrees extending the term of office of the President until a new election can take place.

I am, very truly, your friend and servant,

JOSE M. J. CARVAJAL.

Señor Don MATIAS ROMERO, *Washington.*

From Major General de Regules, governor of the State of Michoacan and commander-in-chief of the central army.

URUAPAN, May 7, 1866.

DEAR SIR: I have received the two decrees issued by the department of foreign relations and of government on the 8th of November of last year; the one extending the term of the presidency of the republic, which you so worthily occupy, until the circumstances of the country shall permit a new appeal to the popular suffrage; and the other declaring the responsibility which has been incurred by General Ortega, in residing for many months in a foreign country without the authorization for that purpose of the department of war. Both decrees have been well received by the forces under my command, and according to the news I am daily receiving, by all the inhabitants of Michoacan who take part in the defence of our country.

All comprehend, what is really the truth—that is to say, that you are the one who for a thousand reasons should continue at the head of the nation during this terrible crisis, during which what is most necessary is, that he who occupies the high position in which you are placed should be able to count, as you can count, upon the entire confidence of the people, and which confidence it is felt cannot be so fully reposed in any other person.

On the other hand, it cannot be doubted that the powers are ample under which you have taken these steps, and that they are in no manner opposed to the fundamental law, for the constitution has no provision for the case when it should be entirely impossible for an election to be held, as now, by reason of the foreign invasion.

With reference to General Ortega, the declaration as to his responsibility is only too well deserved, in having abandoned, as he has, in a manner so contrary to his antecedents, the defence of his country at a time when it most required the services of all good patriots, and especially of all having any experience in the career of arms.

I am your obedient servant,

NICOLAS DE REGULES.

President Don BENITO JUAREZ.

From Colonel Don Gregoria Mendez, governor and military commander of the State of Tabasco, to President Juarez.

SAN JUAN BAUTISTA, February 2, 1866.

MOST DISTINGUISHED AND RESPECTED SIR: I have before me your two very acceptable favors of the 27th of October and 9th of November last.

Your determination in regard to General Diaz, who is now fighting in Oaxaca, shall be duly respected by me and my subalterns. That general is truly worthy of his former position by his effectiveness, his valor, his honesty, and his energy, particularly as his disappearance depended upon causes over which he had no control.

I shall take great pleasure in having the decrees sent me by Mr. Romero published tomorrow; they have my entire approval and that of the State. No person more worthy, or with greater hopes of the nation, could have been trusted with the supreme command than yourself, and at a time when a change might have caused a want of confidence, to say the least. The trial of Mr. Ortega is an act that gives power to the government from its principle of morality, as it impresses upon our society and its great men the necessity of attending to their duties, and teaches them the great impropriety of derelictions which they often commit, thinking to be shielded by the elevation of their positions.

I conclude with an affectionate greeting, wishing you peace and prosperity, and subscribing myself your obedient servant, &c., &c.,

G. MENDEZ.

The President of the Republic Don BENITO JUAREZ, *Chihuahua.*

Extract of a letter from the governor of Chiapas to the Mexican consul in San Francisco.

CONSULATE OF MEXICO,
San Francisco, April 13, 1866.

Under date of the 15th of February last, the governor of the State of Chiapas, Don J. Pantaleon Dominguez, writes to me as follows :

"Informed of the contents of your fax of the 15th December last, and of the decrees issued by the supreme government of the republic relative to the prorogation of the functions of the President of the republic, and to the responsibility incurred by the citizen General Jesus G. Ortega, I have to-day ordered the publication and circulation of the said decrees in the State under my command, and that they shall be brought to the knowledge of the governors of the States of Tabasco and Vera Cruz, to whom also I have transcribed your said letter and sent a copy of the letter that you addressed to the first magistrate of the nation."

I have the honor to transcribe the same to you, that you may be pleased to bring the same to the knowledge of the chief magistrate of the republic.

I renew to you the assurances of my esteem and consideration.

JOSÉ A. GODOY.

The Citizen SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations and of Government, Paso del Norte.

From General Diego Alvarez, governor of the State of Guerrero.

LA PROVIDENCIA, January 21, 1866.

"I have been well pleased to see the two decrees issued by the department of foreign relations and of government on the 8th of November last ; the one extending the term of the presidency which you worthily occupy until it shall be possible to again consult the national will by means of an election, and the other determining that General Gonzalez Ortega shall be submitted to trial.

Both measures are well justified by the reasons upon which they are based, and which are fully explained in the circular of Mr. Lerdo which accompanies them. So far I do not believe there has been a single good Mexican in this State who has expressed any other opinion than in favor of these decrees, which the critical circumstances of the republic have imperiously required.

DIEGO ALVAREZ.

President Don BENITO JUAREZ.

From the political chief of the Territory of Lower California to the Mexican consul in San Francisco.

MEXICAN CONSULATE IN SAN FRANCISCO,
San Francisco, January 24, 1866.

Citizen Antonio Pedrin, political chief of the Territory of Lower California, writes to me from San José, under date of the 16th of the present month, as follows :

"With your acceptable communication dated the 27th of September last I have received the copies of the official journal which you had the goodness to enclose to me, and in which were published the decrees issued by the President of the republic through the medium of the department of foreign affairs and government ; the one relative to the prolongation of the term of the President, and the other to the responsibilities of General Jesus G. Ortega.

"In acknowledging this communication, I confess with pleasure that in my opinion the President could not have adopted any measure more acceptable, because, though it may affect certain partialities interested in a change of administration, yet there is nothing more certain than that no one of our public men could fill the immense void that would be left by the absence from power of the father of the Mexican republic. In him we know that we ever find united faith, integrity, and constancy, fully supported by the national sentiment ; without him, God alone knows what would become of Mexico under present circumstances."

And I have the honor to transmit this to you, in order that you may be pleased to communicate it to the President for his information.

I renew to you the assurance of my distinguished consideration and esteem.

JOSÉ A. GODOY.

SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Affairs and Government, Paso del Norte.

From Major General Ramon Corona, commanding in Sinaloa and Jalisco.

HEADQUARTERS OF THE REPUBLICAN ARMY,
UNITED BRIGADES OF SINALOA AND JALISCO,
Concordia, December 24, 1865.

The circulars and supreme decrees issued from your department on the 28th of October and the 8th of November have been received by me.

The common sense of the nation will see in these resolutions the confirmation of the supreme authority of the nation, and the assurance that the faithful defenders of the national independence are not confounded with those who, though bearing the name of the soldiers of the republic, abandon its banner in the hour of trial, and go abroad into foreign lands.

These supreme resolutions will be made known in general orders to the regiments composing the united brigades of Sinaloa and Jalisco.

I communicate this information to you, in order that by your means it may be brought to the knowledge of the supreme magistrate of the nation.

Independence and liberty!

RAMON CORONA.

THE MINISTER OF FOREIGN AFFAIRS AND GOVERNMENT,
Chihuahua.

From Major General Juan Alvarez, Commander-in-chief of the southern military division.

LA PROVIDENCIA, January 20, 1866.

DEAR SIR AND FRIEND :

The two decrees issued by you on the 8th of November last appear to me to be both just and necessary. The extension of your presidential term until the circumstances of the country, now invaded by a foreign enemy, shall permit a new election, is the only solution of the difficulties that is presented, and it is a measure which is, without doubt, within the ample faculties which have been given to you by the national representatives; nor can it be said that it is opposed to the constitution, which contemplates at least the possibility of an election.

On the other hand, if you had delivered the place to the vice-president, the latter, without any legal instalment, so long as an election cannot take place, as it cannot for a long time, would have to continue indefinitely occupying the presidency, when the spirit of the constitution is that he shall only take charge of that office temporarily and in a provisional manner. These reasons, which are well explained in the circular of Mr. Lerdo, and the well-merited confidence which you enjoy, have caused this decree, which I have myself long desired to see issued, to be very well received in this State.

With reference to the responsibility incurred by Señor Gonzalez Ortega, I have nothing to add to the reasons set forth by the government in declaring the same. In my judgment they are conclusive, and however much I may lament the errors of a Mexican who has heretofore done good service for his country, the decree appears to me to be just.

JUAN ALVAREZ.

President Don BENITO JUAREZ.

Many letters, from General Ortega's former friends, were addressed to him, condemning his course and vindicating that of President Juarez. Of course, General Ortega suppressed them. We select two as specimens, both from members of the last Mexican congress. Señor Zarco was also, in 1861, Mexican minister of foreign affairs:

From Señor Zarco to Señor Ortega.

[Extracts.]

NEW YORK, February 24, 1866.

MY VERY ESTEEMED FRIEND : I have received to-day a communication from you, dated at San Antonio, Texas, the 3d of the present month, in which you ask me what course I have adopted in reference to the destruction of the legal order of things, and what I have done to manifest my approval or disapprobation, as the case may be, of the decrees of the 8th of November last, in which Señor Juarez declared that he would continue in the office of President of the Mexican republic. You base your interrogatory on the right which the

nation has at all times to know what the course is of its public men, and on the obligation which you think you have to collect the proper information.

As you directed your interrogatory to me in the belief that I was a deputy to the general congress, I might limit my answer to informing you that I hold no such position, nor in fact any other public position whatever, since the term expired, in 1864, for which I was elected representative by the districts of various States. I am, therefore, no more than a Mexican who, having held the position with which the people honored me, has preferred to emigrate to a foreign country rather than submit to the French intervention; which resolution I took when my public character ceased, and after persuading myself that I had no opportunity to serve the national cause in any manner.

But in courtesy to you, in consideration of our old relations of friendship, and because I never made any mystery of my opinions, I believe it to be my duty to express my ideas more at length in this letter, which is no more than that of a simple citizen.

Even though I had a public character, and I were performing its functions in our country, I could not recognize in you or in any man, no matter how high might be his authority, the right to make me the interrogatory which you have addressed to me; because, if public men should give an account to the nation of their actions, there is a legal method established for the purpose from which no one should depart.

As to approving or disapproving here of the acts of the government of Mexico, the representative of our nationality, I should deem myself to be wanting in my duty if I raised controversies that only served to give strength to the foreign usurpers. My only desire is the independence of our country; and in presence of this sacred object, all else appears to me pitiful and contemptible.

Here I should only be employed in crying out, as long as ever I could, that the intervention and monarchy are the most atrocious injustice, and the most scandalous iniquity; and that the people of Mexico, oppressed, conquered, unfortunate, never recognizes a foreign yoke, but struggles to break it and restore its republican institutions. Such I believe to be the duty of Mexicans externally, without thinking of domestic dissensions.

The decree by which Señor Juarez prolongs his presidential term appears to me to be in conformity with the faculties conferred upon him by the congress, in order to meet the circumstances of the occasion, since the issuing of such a decree is not enumerated in the restrictions imposed upon him. He can do everything, except what these restrictions prohibit; so I understand the spirit which actuated the congress, and with this understanding, at least, I proceeded to draw up the resolutions which have become a law, and to support them in debate, as a member of the committee on relations.

As a simple citizen, therefore, I recognize Señor Juarez as the legitimate President of the Mexican republic, and I desire the greatest possible prestige and support for his government, whose existence, in the opinions of the world, is identified with our nationality.

I contemplate the affairs of our country with serenity, without despairing of its future. I have no aspiration but to see Mexico free and independent. My opinion is the more impartial, as having nothing either to fear or hope from yourself or from Señor Juarez. I entertain the conviction that, as soon as our independence is once established, we who have been public men should yield our places to newer and more vigorous men; inasmuch as civil strifes rapidly waste and superannuate those who take part in them.

I am, as ever, your affectionate friend and servant,

FRANCISCO ZARCO.

Señor D. JESUS GONZALEZ ORTEGA.

From Señor Robert to Señor Gonzale: Ortega.

NEW YORK, February 27, 1866.

DEAR SIR: With the documents accompanying it, I have received a circular from you, dated at San Antonio de Bejar, Texas, the 3d of the present month, in which you ask me what course I have pursued as a deputy in reference to the decree of the 8th of November last, issued at El Paso by the constitutional government, prolonging the presidential term of Señor Juarez until the circumstances of the war permit a suitable election to be held. Believing that the constitutional government has acted within the scope of the powers which, conformably to the constitution, the last congress conferred upon it, and to which congress I had the honor to belong, it does not seem to me, therefore, that the aforesaid action should be called into question, which, under preënt circumstances, as you yourself have indicated in your manifesto, would be unpatriotic.

I have made the foregoing declaration to you, not because I thought you had any right to inquire as to my conduct, but because my opinions, which are founded on the law, are public, and my consideration for yourself induces me to comply with your request.

I remain, &c., &c.,

CIPRIANO ROBERT.

Señor Don JESUS GONZALEZ ORTEGA, *Present.*

Similar documents might be multiplied indefinitely: but no addition is needed to what is already superabundant proof.

No. 6.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, June 7, 1866.]

Corrections in General Ortega's publications.

General Ortega published a pamphlet in New York containing all the documents he could find to support him for the presidency, and opposing the decrees of the 8th of November prolonging the presidential duties till war permits a new election.

He begins by saying all those who held office when the war commenced hold it now by this decree; and he sent a circular to many ex-governors and congressmen living abroad, whose offices expired in 1864.

His pamphlet contains the only favorable answers he could get. They were from Epitacio Huerta, José Patoni, Guillermo Prieto, Fernando Pousel, Manuel Quezada, and Joaquin Villalobos. We did not know the last was a public character. The pamphlet also contains a kind of resolution, drawn up in New York, declaring that Ortega ought to be President of the Mexican republic, and it is signed by Juan Tongco, J. Rivera, and Priest Juan N. Orestes, all of them unknown.

He did not print all the answers he received against his wishes, because they were private, as he says, when all the others were just as private. However, some Mexicans residing in New York took the trouble to publish the others, which were from Juan J. Baz, Leandro Cuevas, Felipe Berriozabal, Francisco Zarco, Cipriano Robert, and Pantaleon Tovar, together with some letters from Alejandro Garcia, general-in-chief of the eastern line, and Gregorio Mendez, governor of Tobasco, favoring the decrees of the 8th of November. We thus give some idea of the pamphlet, and will now proceed to the corrections of it.

Ortega published a letter supposed to be addressed to President Juarez by General Patoni, on the 15th of December, from Presidio del Norte. Patoni has just resigned a command he had held in Chihuahua up to the 9th of December, when the government moved to Paso del Norte, and he went to Presidio del Norte. That letter, says Patoni, cannot recognize the President's decree, because he thought it ought to have been proclaimed in Chihuahua. We are authorized to say that the President never received the letter; but a letter from Patoni at Presidio was received. It was dated the 25th of December, before he left for San Antonio, and spoke of government affairs without alluding to the decree. Some months before it was issued, while Patoni was in Chihuahua, he advised the President to prolong his term of office when it should expire.

We have the diary of a person who travelled with him to Presidio. It is as follows:

"Saturday, December 9, 1865, left Chihuahua at half past four p. m.; reached Aldama at eight, and stopped for the night. Sunday, 10th, set out at half past four with General Patoni and Guillermo Prieto; stopped that night at Coyote, where we arrived at half past five p. m. Monday, 11th, started at nine a. m., and got to Hormigas by two p. m. Tuesday, 12th, started at half past five a. m., and slept at Coyame. Wednesday, 13th, left at noon, and got to Coyamo by five p. m. Thursday, 14th, left at one p. m., and got to Cuchillo Parado by nine p. m. Prieto's carriage upset, and the wheel of Patoni's came off. Friday, 15th, and Saturday, 16th, stopped to have the carriages repaired. Sunday, 17th, we left Cuchillo Parado at half past nine, and slept at Arroyo del Mimbres. Monday, 18th, set out at seven a. m.; arrived at Mula by one p. m. Tuesday, 19th, set out at half past nine a. m., and arrived at Ojinaga (Presidio del Norte) at half past three p. m."

This diary can be proved by persons along the road and at Presidio. Patoni's letter purports to have been written on the 15th of December at Presidio, four days before reaching that place. As to the style of the letter, it is much like the others in Ortega's pamphlet. Those who are acquainted with that individual may guess what we mean. We doubt if Patoni had anything to do with the letter. There is another letter in Ortega's book, supposed to have been written from New York to the President on the 7th of October, advising against the prolongation of the presidential term. He did not get the letter; but he did get one, some months before, from Villalobos, who was in the United States trying to negotiate a loan. In that he said Maximilian had banished him, and robbed him of \$10,000, and he requested the government to repay it. He was told it was impossible; the government could not be

responsible for his losses, and if he succeeded in the loan he ought to devote the whole of it to support the war against intervention. Ortega publishes a note from Mr. Huerta, in New York, the 25th of February, in which he gives himself the title of general of division. After the decree of 8th of November the President promoted some officers to the rank of major generals, and Mr. Huerta was among them; yet, after this, he opposed the decree, and called it revolutionary, and compared it to Comonfort's proclamation. He said as soon as Comonfort turned he denied him, and he does the same with Juarez. After sending him the commission the government ordered him to come home to fight against the enemy. He made some excuses at first, and then sided with Ortega.

As to Prieto, when he was with the government, before the decree was published, he reposed the decree, because he did not think it was constitutional; but he could not go for Ortega, on account of his acts in 1861, and he would consider it the greatest calamity if Ortega were President. Prieto repeated this everywhere, publicly and privately. The government knew Prieto, and knows him now. He was not molested then, because he seemed to be sincere in his opinion, but was disposed to no harm. Yet, on the 8th of December, the day before leaving Chihuahua, Prieto called to see the President, and asked for promotion; promised to support him in the papers, and offered to be his biographer and historian. The President declined his offers, and said he did not want any honest opinion sacrificed.

We hope these corrections will be sufficient, for limited space prevents further expatiation.

No. 7.

[From the official paper of the constitutional government of the Mexican republic, Chihuahua, September 14, 1866.]

Letters of Gonzalez Ortega, Santa Anna, and Prieto.

We produce below some letters of these gentlemen, who are working for their private interests against the republic. Santa Anna's letter to Priest Ordenez may be found in the *Diario del Imperio*, with two from Prieto to his friends.

Ortega's letter, and Prieto's to Negrete, have been sent to the government. We make no comments on these letters, because they need none. Strange means these gentlemen make use of to help themselves! Such chiefs as Tapia will never aid them. It is absurd to blame a minister because he acts with the President; and it is equally as ridiculous to think the government would recall Santa Anna. His allies are those interested individuals who would destroy the republic for their benefit. Calumny is vain when so patent and coming from persons so notorious:

NEW YORK, April 29, 1866.

RESPECTED FRIEND AND COMPANION: I have received yours of the 9th, with contents. I hope you have received mine with the circular. It is impossible to tell you in a letter all I have done, what I intend to do, and what will be done in many States of the republic. The loyal cause is saved. Chihuahua has been taken by Terrazas; but Don Benito says he will not leave El Paso yet. What does that mean?

I presume you have seen the papers with the diplomatic correspondence. The empire is dead, but there remain important questions to settle. You must operate in Matamoras; this is the propitious time. Notice the effect of the withdrawal of the French troops, and the prohibition to Austria by the United States to send any more to help Maximilian. My address is 143 East Eighth street, New York city. If absent, the letters will be forwarded to me. Respects to the boys and your family. Your friend,

JESUS G. ORTEGA.

General MIGUEL NEGRETE, *Brownsville.*

SAN ANTONIO, TEXAS, May 6, 1866.

VERY GOOD FRIEND: I enclose a letter to our friend Aureliano Rivera. Read it; I think you will find it excellent. I anxiously expect your letters. General Ortega sends much regard to you and Tapia, and says you will hear from him soon, and wishes you both to join him in the country's cause. He staid in New York to hear from California and to meet a person from the city of Mexico on very important business. He will soon be ready, and I congratulate you and the country upon the value of his services.

I have already told you of the capture of Chihuahua by the liberals. I hear Lerdo has resigned his position and has joined the Santa Anna party. They write me this from New York, and say the news has had a serious effect on the Juarez party there. I don't believe it, for you know Juarez will make every sacrifice to keep Lerdo with him.

Respects to Margarita and Miguelito, and all other friends, including yourself.

Yours, &c.,

General MIGUEL NEGRETE.

GUILLERMO PRIETO.

SAN ANTONIO DE BEXAR, May 11, 1866.

DEAR FRIEND: Ortega will be here in a few days with Huerta, Ochoa, and other friends, to act immediately with you and Tapia. He ought to have been here long ago, to save bloodshed and direct operations properly. Patoni informs me that Ortega will leave New York about the end of this month. He has been detained there on important business.

Show this to Tapia and Rivera on the first opportunity.

Your friend and servant,

GUILLERMO PRIETO.

General MIGUEL NEGRETE.

SAN ANTONIO DE BEXAR, May 11, 1866.

General Ortega being personally acquainted with you, and knowing your elevated sentiments, charges me to write you in order that you may represent him in the city of Mexico.

The general, conjointly with Messrs. Huerta, Negrete, Patoni, Berriozabal, and other patriots, will appear in the republic with all the means necessary to give due activity to our operations, as well as in order that our principles may have a clear and legal representation there.

After the *coup d'état* I thought to continue in the most close retirement, but the alliance of Santa Anna with Juarez has compelled me to alter that design, and brought me in contact with Mr. Ortega. I believe that the object of the latter gentleman is to keep up the fight without entering into questions relating to right of command, and by no means take up arms against those of our friends who are engaged in the same struggle, even though they do invoke the name of Juarez. Hence you can represent Mr. Ortega consistently with your refined patriotic sentiments. You can communicate with Mr. Ortega either directly, without further formalities, or through me.

As the American force which is at our service has not yet been able to provide itself with what it needs, Mr. Ortega has been forced to delay until now; but I have faith in his making up for lost time. Commence, then, your labors at once. Write according to what Mr. N—— tells you. I send him also a communication now. Inquire of him as to the way of writing to me.

Ever yours,

GUILLERMO PRIETO

Señor DON JUAN MATEOS, Mexico.

SAN ANTONIO DE BEJAR, June 4, 1866.

DEAR FRIEND: I have been constantly writing to you, without having received as yet a single reply. I am ill with dropsy; and, instead of relief from the quarter whence I should expect it, I have to complain that my trouble is increased by your silence. Any misunderstanding with you can have but sad consequences for our cause, and will raise up difficulties hereafter; but it depends upon your good will to avert such a result.

From what I see in the public prints, and ascertain by sounding public opinion, as well as from the faint echoes which reach my ears from all sides, I am forced to conclude that you [here the original Spanish shows that the writer is addressing more than one party.—ED. HERALD] are not satisfied with justifications of Juarez in his attempt at usurpation, but you even represent that act as one of heroism—as one of those noble sacrifices which great men make when risking their popularity and even renown for the salvation of their country. You compare Juarez to Quintus Curtius, [Marcus Curtius, no doubt, is meant.—ED. HERALD,] rushing into the abyss to save Rome. You look upon the question at issue entirely in a personal light; you speak of the glorious tradition followed out by Juarez, and compare it with what you style the discomfitures and puerilities of Ortega. But the point of difficulty does not lie there; it consists in the substitution of arbitrary power for law; in the dethronement of right to make way for usurpation. Ever since Juarez has cast aside legality as the rule of his public actions, he has been, as it were, halting in his movements; he holds on to the interests of his accomplices with more tenacity than he adheres to the real welfare of his country. He is forced to flatter those around him, and he can, in consequence, give but little thought to the wants of our people.

But you should have taken warning when Santa Anna presented himself on the scene as the ally of Juarez. Santa Anna wished to have the empire; he pronounced in favor of it. In infamy and treason he has outtrivalled ——; but Saligny, as well as the head of the empire, found him too black with dishonor to have aught to do with him. Do you know what that bartered conscience, that foul wreck, is steering after? His own profit in some diplomatic speculation. And, indeed, ——, led somehow astray, has been used to bring Juarez and Santa Anna together. Well, the latter is to be made the instrument, through this connection, for satisfying the wishes of France and of the traitors who sold our country.

We had suspected some such mean farce, and what occurred on the removal of the seat of

government to Chihuahua showed that our foresight was correct. Men who were imperialists but the day before, gave banquets to Juarez; the only absentees from such festivities, the only parties who were not received at them, were such as, like ourselves, had faithfully followed our national banner from the frontiers under his lead. Were we to accept Juarez's usurpation, cowardly approve the dark and perfidious policy of Lerdo, and make common cause with those who pursue Gonzalez Ortega with invectives and injury, we should be violating law and trampling upon the interest of our country. Such a course could only pave the way for numberless evils, and compromise the future weal of our country to a most deplorable extent.

In New York we have no representatives other than bureaucratic ones. This is the result of Romero's sad policy. I understand well your reasons for staving off discussion at a time when our national troubles are unabated; but you should labor to form opinion among your friends, to prepare the means that should serve in the defence of a cause that is just, and to gather the materials that will insure happiness to our country after the triumph of the principles of social progress. I trust that you will gather your friends together, and that you will write to your acquaintances abroad on this subject. Answer me.

Your devoted friend,

GUILLERMO PRIETO.

P. S.—Write me under any name you please, but take care to mark one of the corners of the envelope thus: B. 167.

Señor Don JUAN MATEOS, *Mexico*.

No. 8.

[From the official paper of the constitutional government of the Mexican republic, Chihuahua, September 22, 1866.]

PRIETO'S LETTERS.

We give another of his letters found in the *Diario del Imperio* of the 7th of August last. We make no comments; we only republish it to show how discord is tried to be produced in the national cause.

His abuse of the President will not be noticed. He has a private grudge against Tejada. Speaking of Tapia, we said in our last number that Prieto called all he pleased his friends without consulting them. To prove this we insert a letter from Berriozabal, published in the *New York Herald*, with a proclamation by General Vega, in California. We insert Ignacio Pena Barragan's safe conduct to quit the city of Mexico, together with part of a letter from Monterey concerning Prieto:

SAN ANTONIO, May 6, 1866.

MY DEAR FELLOW: It seems impossible to get a letter from you, though I begged you to write to me. Are you so frightened by Juarez's ambition you cannot write? They say his decrees of the 8th November have been well received, and I believe it; nothing surprises me now.

You decide without investigating the case, because you compare a routed hero to a victorious one; because you distinguish between one who left the field of glory to spend his time riotously in New York; because you think all good officers side with Juarez; because you think the Juarez policy is right; but you are mistaken, and you will see.

We are not for persons, and if Juarez and Ortega were contrasted they would both lose. Ortega did not desert the cause any more than Doblado, Berriozabal, Alvarez, and Pena Barragan; he left by permission, and did not return because he was ordered to be shot if he came back, like a traitor. As to the liberal chiefs, they all have indulgences from year to year. Canales, the most respectable, supports Ortega; so does Aureliano, Placido Vega, Huerta, Patoni, Quesada, Negrete, Tapia, Gomez, and many others; not excepting Cortinas, who joined Garza, the traitor. So you see, if discord is introduced, and rumor of it reaches the United States, it will ruin us.

The policy of the rector of San Ildefonso is to compromise with the traitors. He hates all reformers; he believes in nothing and respects nobody.

I do not mean to praise Ortega, or to create a disturbance; but I will support all who are struggling for independence. But we who are out of the country ought to know the truth, and unite with the most intelligent in the good cause. Ortega wants to go back and fight, to show that he has been slandered. For my part, when I get my family into a safe place, I will be ready to fight with Naranjo, Canales or any other, not caring who is President; only bent on mortal war against Frenchmen and traitors. Adieu. Write to me.

GUILLERMO PRIETO.

Direct your letters to some friend in Orleans, and get him to send them to me direct.

THE REVOLUTION IN MEXICO.

To the Editor of the Herald :

In your issue of to-day you have published a letter signed "Guillermo Prieto," and dated "San Antonio Bejar, May 11, 1866," in which it is stated that General Gonzalez Ortega, together with Messrs. Huerta, Negrete, Patoni, and Berriozabal, will appear in the Mexican territory to give a new impulse, with large resources, to the defence of the republic, and "a full and legal representation to our principles," says Mr. Prieto. As this gentleman is known to advocate the pretensions of General Gonzalez Ortega to the presidency of Mexico, the meaning of his quoted words is very plain. Now, in what concerns me personally, I have to say that Mr. Prieto's statement is as false and groundless as the alliance of President Juarez and Santa Anna, to which he alludes. General Gonzalez Ortega and my friends residing in this country know full well my position in regard to the unlucky question raised by this general claiming the presidential chair ; but some persons in Mexico might be induced into error by such loose assertions as Mr. Prieto's, and that is the reason I request of you the publication of these lines. The only truth contained in the cited letter, so far as relates to me, is that I shall soon go to my country in order to continue fighting for its independence and republican institutions, but it will be under the authority of its national government, now sitting at Chihuahua, the only one I have to obey as a general of the republic.

I am, sir, very respectfully, your obedient servant,

FELIPE B. BERRIOZABAL.

NEW YORK, August 16, 1866.

From P. Vega to Sebastian Lerdo de Tejada, minister of relations and government.

CHOIS, September 7, 1866.

On leaving San Francisco, the 8th of July, I informed you and our minister in Washington that I was about to return to the republic. I came to Boca de las Piedras, in the Fuerte district, on the 7th of August last, intending to join the President, but I have been detained.

I take the liberty to send you a few copies of the proclamation I intend to make, and I hope you will approve of them.

Yours, &c.,

P. VEGA.

THE PROCLAMATION.

FELLOW-COUNTRYMEN : Fate has been against me in the foreign commission intrusted to me by the supreme government of the republic ; and I have thus been forced to absent myself from the seat of war, where, as a loyal Mexican, I was giving my best services to my country. But, thank Heaven, I am back upon the soil that gave me birth, and will have the gratification to offer myself a sacrifice in defence of the independence and liberty of my country.

While I was away I was rejoiced to hear you had saved the State from falling a prey to infamous invaders. Sinaloa has acted gloriously, and has distinguished herself. I congratulate citizen Rubi, our worthy governor, the indefatigable General Ramon Corona, the other chiefs and officers, and all of you, on your glorious victories, by which you have humbled the French ; and I exhort you not to rest a single day, and you may be sure a happy time of peace and prosperity will come to bless our country. In my march to the interior of the republic I am attended by worthy chiefs, officers, and soldiers, many of whom distinguished themselves at the sieges of Puebla and Oaxaca, and other places. I have many strangers with me, who fought bravely for the cause of civilization and progress of the United States, and now come to us in accordance with the decree of the supreme government, issued in Monterey the 11th of August, 1864 ; and many good Mexicans follow me, anxious to serve their country. I am well supplied with arms, such as are now used in North America and England, and I invite you all who have no arms to join me and march where the first magistrate of the nation directs. Let your services be given in time, so that we may be the first to revel in the halls of the Montezumas.

Your friend and companion,

PLACIDO VEGA.

In the town of ZARAGOZA, August 15, 1866.

DEPARTMENT OF STATE, BRANCH OF WAR AND NAVY.

By order of his majesty the emperor, I grant a safe conduct to Don Ignacio de la Peñay Barragan to pass freely, and with all safety, to live at the Hacienda del Hospital, near Cuantla de Morelos ; and the military authorities are charged not to prosecute him or mo-

lest him on account of his past political conduct. And for his protection the present is given to him, in the palace of Mexico, on the sixteenth day of July, eighteen hundred and sixty-four.

JUAN DE D. PEZA.

MONTEREY, August 26, 1865.

SIR: Don Guillermo Prieto wrote from San Antonio saying he was sorry for his conduct towards General Gonzales Ortega, and asks permission to return here. He was directed to apply to Juarez for permission, and if it was obtained he would be allowed to return.

Yours, &c.,

Mr. ———, in Chihuahua.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, November 1, 1866.

MR. SECRETARY: I have the honor to enclose to you a printed pamphlet containing forty-nine acts of the principal official corporations, and particularly of the councils of the most important towns in the State of Chiapas, in the Mexican republic, acknowledging the legality and expediency of the decrees issued on the 8th of November last by the government of Mexico, in one of which the duration of the term of office of the President of the republic was extended till a popular election could take place, which was impossible at that time (and is yet) on account of the foreign invasion.

With this opportunity I am pleased to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

The State of Chiapas to citizen Benito Juarez, expressing the popular sentiment by approval of his decrees of the 8th of November last.

The people of Chiapas, reposing quietly in the sincerity of their preference for citizen Benito Juarez as President of the republic, have accepted without hesitation, and even with pleasure, the supreme decree of the 8th of November of last year, prolonging the presidential period during the time the hazardous circumstances of the present foreign war may last, and till, when the war is over, he who receives the popular suffrage may take charge of the government.

It was never once presumed that the termination of the constitutional period of the presidency of Juarez would be the signal of alarm to the low, mean, miserable passions of certain statesmen, who, coveting the exalted position, forget their honored antecedents, their dignity of free citizens, and even the critical circumstances in which the republic is now struggling. The protest of Manuel Ruiz, ex-minister of the supreme court of justice of the nation, and reports of other protests, only serve to increase the dislike to personalities, and the esteem and affection for the intelligent and virtuous Juarez, who has no other aspiration, no other wish, no other desire, than the safety and happiness of his country. The people of Chiapas, following the inclinations of their conscience and their heart, and in conformity with the wishes at headquarters of the eastern line, hastened to express their will by means of acts indicating their adhesion, trust, and confidence in the present worthy chief of the republic, in whom the country has placed its hopes, with just cause; for to suspect a man who, during the last revolution of three years, led the people in triumph to the glorious conquest of the sacred principle of legality, would be to commit a crime.

To show that the people of Chiapas are grateful, and know how to appreciate the virtues of the well-beloved citizen; to prove to the enemies of the country that the heroic example set by the chief of the republic will always be seconded with enthusiasm by the simple but

brave people, who will defend their rights and liberties at the cost of every sacrifice; to demonstrate to the ambitious, who think themselves necessary to the government, that the people are not now what they were in common revolutionary times, when common persons, such as Santa Anna, contended for power, we will let them know, once for all, that the people think, judge, reward, and punish; that, taught by the experience of the long civil war to distinguish sincerity from hypocrisy, they have learned what is true patriotism, and have determined to estimate it properly by suitable rewards, and have learned the false machinations of ambition, to despise them and punish them.

The following documents show the truth of all this, as our readers will be pleased to find:

OFFICE OF THE GOVERNOR AND MILITARY COMMANDER OF THE STATE OF CHIAPAS,
Comitan, March 6, 1866.

The commander of the eastern line wrote to the governor and military commander of the State, on the 1st of February, as follows: "A serious question has arisen in the country and beyond it. Citizen Benito Juarez, as constitutional President of the republic, on the 8th of November last continued his duties as such, as you will see by the enclosed decree in the official bulletin, No. 29. It is said that General Jesus Gonzalez Ortega protested against the decree while in the United States, as president of the supreme court of justice, which capacity is not accorded to him by citizen Juarez, as you will see in the decree of the 8th of November, which is also published in the bulletin. The exceptional circumstances in which the present foreign war has placed the nation prevent the election of a supreme magistrate to rule the destinies of the country according to the constitution, and though the opinion is already formed at headquarters in favor of the existing order of things, because it believes that citizen Benito Juarez has a right to the presidency by virtue of his first election, in accordance with our actual laws, yet it wishes to know the opinion of the eastern line in the affair; and therefore I address myself to you, to have the vote taken, in the manner you think most proper, of all good Mexicans found in the jurisdiction of your worthy command, and report to me if it conforms to my opinion, for my information and consequent action." I communicate this to you by supreme command, for your information and that of authorities under you, to whom you will make it known, that they may act as their conscience dictates for the true interests and general good of the country.

Country and liberty!

RAMIREZ.

The CIVIL CHIEF AND MILITARY COMMANDER
of the Department of ———.

[The rest of the pamphlet contains the resolutions of corporations, learned societies, and popular meetings in nine different departments of the State of Chiapas, approving the decree of the 8th of November extending the presidential term of office. The form of these resolutions has been frequently translated in former communications to this department.]

No. 2.

The acts are from the following corporations:

- No. 1. Supreme court of the State of Chiapas, San Cristobal las Casas, March 18, 1866.
- No. 2. Literary University of the same State, San Cristobal las Casas, March 10, 1866.

Department of Comitan.

- No. 3. Political and military command of the department of Comitan, Comitan, March 10, 1866.
- No. 4. Military command of the department of Comitan, Comitan, March 6, 1866.
- No. 5. Ayuntamiento of the department of San Bartolomé de los Llanos, March 13, 1866.
- No. 6. Political command of the same department, March 31, 1866.
- No. 7. Ayuntamiento of Zapaluta, March 19, 1866.
- No. 8. Ayuntamiento of Zocoltenango, March 15, 1866.
- No. 9. Political command of Zocoltenango, March 15, 1866.
- No. 10. Court of the department of Comitan, April 7, 1866.

Department of San Cristobal.

- No. 11. Ayuntamiento of San Cristobal las Casas, March 14, 1866.
- No. 12. First battalion of Chiapas, San Cristobal las Casas, March 14, 1866.
- No. 13. Ayuntamiento of Teopisco, March 13, 1866.
- No. 14. Ayuntamiento of San Juan Bautista Chamula, March 13, 1866.

- No. 15. Ayuntamiento of San Lorenzo Zinacantan, March 21, 1866.
- No. 16. Ayuntamiento of Amatenango, March 16, 1866.
- No. 17. Criminal court of San Cristobal las Casas, April 3, 1866.
- No. 18. Court of San Pedro Chenalko, March 17, 1866.
- No. 19. Court of Huertan, March 6, 1866.
- No. 20. Courts of Santa Maria Magdalena, March 33, 1866.
- No. 21. Courts of Santa Marta, March 30, 1866.

Department of Chiapas.

- No. 22. Ayuntamiento of Chiapas city, March 14, 1866.
- No. 23. Court of the department of Chiapas, March 25, 1866.

Department of Tuxtla Gutierrez.

- No. 24. Ayuntamiento of Tuxtla Gutierrez city, March 14, 1866.
- No. 25. Military and political command of the department, March 14, 1866.
- No. 26. Court of the county of Tuxtla Gutierrez, March 31, 1866.
- No. 27. Ayuntamiento of Ocosocuantla, March 24, 1866.
- No. 28. Courts of Ocosocuantla, March 24, 1866.
- No. 29. Ayuntamiento of Zintalapa, March 27, 1866.
- No. 30. Ayuntamiento of Tomala city, March 26, 1866.
- No. 31. Court of Tomala county, March 20, 1866.
- No. 32. Ayuntamiento of Mapastepec, April 5, 1866.
- No. 33. Ayuntamiento of Pigigiappa, March 31, 1866.

Department of Simojovel.

- No. 34. Political and military command of department, March 19, 1866.
- No. 35. Ayuntamiento of San Juan, March 18, 1866.
- No. 36. Court of Simojovel county, March 17, 1866.
- No. 37. Ayuntamiento of San Juan Bautista Istobol, March 17, 1866.
- No. 38. Ayuntamiento of Simojovel, March 17, 1866.

Department of Pichucalco.

- No. 39. Political and military command of the department, March 27, 1866.
- No. 40. Ayuntamiento of Pichucalco, March 27, 1866.
- No. 41. Court of the department, March 28, 1866.
- No. 42. Courts of the city of Pichucalco, March 31, 1866.

Department of Soconusco.

- No. 43. Ayuntamiento of Zapachula, March 28, 1866.
- No. 44. Political and military command of Zapachula, March 28, 1866.
- No. 45. Ayuntamiento of Tuxtla Chico city, March 25, 1866.

Department of Chilon.

- No. 46. Political and military command of the department, Ocozingo city, March 8, 1866.
- No. 47. Ayuntamiento of Chilon, April 11, 1866.

Department of Palenque.

- No. 48. Ayuntamiento of Palenque, April 13, 1866.
- No. 49. Ayuntamiento of San José, Catisapa city, April 14, 1866.

No. 3.

The governor of the State of Chiapas to the citizens of the State.

FELLOW-CITIZENS : The supreme government of the republic having issued the decree of November 8, by which the powers of the actual President—the citizen Benito Juárez—are continued until a constitutional election of the person who can substitute him can be held, the government of this State has accepted it without any objection ; convinced, as I feel, of the legal foundation upon which it is based, of the urgent necessity which authorizes it, and that, in the distressing circumstances through which the nation is now passing, it was not possible to act otherwise without sacrificing the interests of the public cause, to prescribe political forms established for normal times of peace. Far from this, and owing to the

iniquitous war made against the republic, we have to act solely inspired by sentiments of patriotism, the only hope left to the nation in the fearful ordeal she has now to undergo.

Nevertheless, if there are any doubts, any distrust as to the legality of the acts of the first magistrate of the nation, these ought to disappear before the explicit and unanimous manifestation of the people; and the people, free from any compulsion, have proclaimed his permanency in power until the causes which gave occasion to the decree thus sanctioned have ceased to exist, for they respect more the substance than the form, more the spirit than the letter of our institutions.

You, Chiapanecos, in the midst of the stormy crisis we have traversed, you have been faithful to the cause of our independence and to the illustrious genius who has guided with firmness the destinies of the magnanimous people which will elevate him for his virtues to the highest power, giving thus the best and most unmistakable proof of their fidelity and good sense, for the good of the country—for your own good. Follow, then, that path of honor and glory, and your conduct will always find imitators, and your acts will make a brilliant page in the history of the present war.

Chiapanecos, an admirer of your noble conduct in the bitter days of misfortune and trial of our beloved country, I shall always regard that conduct as a model of virtue—a sublime example worthy of imitation. Live, then, for your country. Let her triumph be the object of your constant efforts and sacrifices. Thus you will fulfil the duties which God has imposed upon you, and thus you will leave to your children a free country worthy of being inherited.

JOSÉ PANTALEON DOMINGUEZ.

Tuxtla Gutierrez, April 12, 1866.

With simplicity have the documents here printed been written, but with sincerity also.

The frank and spontaneous expression of a people who sanction with their will the decree of November 8 is registered in them, asking the permanency of the illustrious citizen Don Benito Juarez in the presidency of the republic for the whole time during the critical situation brought about by the foreign war.

The people of Chiapas have pledged themselves to die defending the flag of the country carried aloft by the firm hand of the President. They will keep to their pledge in spite of all the obstacles that the enemy may oppose, in spite of the miserable ambition of some bad Mexicans, because the people of Chiapas love with faith, with enthusiasm.

Liberty and independence!

Señor Romero to Mr. Hunter.

[Translation.]

MEXICAN LEGATION,
Washington, November 5, 1866.

The minister of the Mexican republic presents his compliments to William Hunter, esq., and has the honor to transmit several late articles from the Paris press relating to Mexican affairs and containing important information, showing the change of public opinion in France in regard to that delicate question.

No. 1.

[From *La Liberté*.—Translation.]

THE EVACUATION OF MEXICO.

PARIS, October 3, 1866.

The recent news from Mexico is of a serious nature that does not surprise us, but requires prompt action on the part of the government. Why should we be longer deceived by words and illusions? Everybody believes that the Mexican empire is near its end, and we need not try to prolong the agony of a dying government. The truth is we had better wind up the unfortunate affair at once. It is plain that France only makes additional sacrifices in endeavoring to carry out an expedition that should not have been commenced. To keep up the empire we must support Maximilian with fifty thousand men and five hundred millions of francs, and risk a profitless war with the United States; and it is certain France will not consent to such a sacrifice, so the business better be closed up at once. First, let Maximilian resign. On this point there will be no trouble. He accepted the place reluctantly, and he will

give up without hesitation. His ignorance of the country, and what he was to undertake, will excuse him before the world.

When Maximilian is gone France will be in the same position towards Mexico that she was before the vote of the notables electing him; that is, she will front an enemy, with whom she will have to treat on the best terms. She will not venture to start another government, but will treat with Juarez, because he is our opponent, and his re-establishment is the only way to get out of the difficulty. But will Juarez grant us the conditions we want? We are not sure, but it is certain he will purchase our evacuation on the best terms. Another question is, will Juarez's terms be enforced by Mexico? We fear not. But as it would be the same with any other ruler, better trust him.

What he can grant is the lives of our countrymen, and that is of the most importance at present. The Mexican expedition will be a serious loss in money, and it will be a check to our progressive policy, but it cannot be prevented. But we must not shock the world with the sad sight of our murdered countrymen, when it is known the expedition was got up to protect them. That would be worse than all, and our last duty now is to prevent it.

We have conquered the Mexicans wherever we have met them, and all we have to keep us there is our regard for Maximilian. Let him abdicate and restore us to our liberty, and all that will remain for us to do will be to secure the safety of our countrymen.

But the most important, what is absolutely necessary, is a prompt and energetic decision to put an end to the crisis instead of prolonging it.

CLEMENT DUVERNOIS.

No. 2.

THE MEXICAN EMPIRE.

The following telegram from the emperor Maximilian was handed to the *Patrie* yesterday by the Mexican legation :

[Valentia, October 9—1 o'clock a. m.]

CHAPULTEPEC, September 27.

To General ALMONTE, *Paris* :

You will inform the legations that excellent spirits prevail among all classes. The cabinet is formed at last. We are on the best terms with our allies. The railway is open to Apizaco.
MAXIMILIAN.

No. 3.

[From the *Standard* of October 10, 1866.]

THE MEXICAN DEBT.

October has come and the holders of Mexican bonds are asking if their arrearages are to be paid.

The empress Charlotte's late visit to Paris; the interviews of that young, intelligent and courageous sovereign, evidently on a secret mission; the last exaggerated accounts from Mexico, from United States correspondents, without doubt, have excited all sorts of suspicions.

These questions are put :

Is the French government responsible for the principal and interest of the Mexican bonds? What is the extent and character of that responsibility? We have already said what we think of the duties of France towards Mexico; we will now examine its financial responsibility for the loans negotiated by the state.

In the first place, we must consider the origin of these loans, the part our government took in their issue, and the use made of the sums realized.

As regards the use of the funds, we will borrow from an article of A. Cochut in the *Temps*, which is known not to favor the Mexican expedition. Maximilian accepted the empire by the treaty of Miramar. In one of its clauses it says: France shall be paid the expenses of the expedition, for all private claims, and the war shall be carried on by the forces of the new empire with those of the allies.

By virtue of that clause the Mexican government negotiated a loan of 16,762,000 francs, in six per cents., at 63 francs, in 1864; 6,600,000 of this went into the treasury for indemnities. The rest was raised in London and Paris, and amounted to 102,000,000.

In 1865 there was a second loan, 500,000 bonds at 340 francs, giving a total of 170,000,000, both loans yielding 272,000,000; expenses to be deducted 26,000,000, leaving a net profit of 246,000,000.

The was sum used in this way: For reimbursing the principal in fifty years, 34,000,000 francs; interest, premium, &c., 54,000,000 francs; the old Mexican debt paid in London, 22,000,000 francs; to the government, for war expenses, &c., 102,000,000; making the entire sum realized on both the loans, 212,000,000 francs. Of this Mexico got only 34 millions, with the 22 millions paid to London.

Thus France made one hundred and two millions out of the Mexican loan.

The 6,600,000 in the treasury of the '64 loan were exchanged, in 1865, for 174,000 bonds of the second loan, and 60,000 of them were recently sold. This seems to be assuming a responsibility for the loan.

According to Cochut, then, there are yet 114,000 bonds in the treasury unsold; 47,000 reserved to pay French claims, leaving 83,000 to the credit of the Mexican commission. 756,000 bonds, making the sum of 192,000,000, have been put into the French treasury by individuals, to pay the expenses of the expedition. It seems to us that the French government ought to be responsible for the people's money used by it for the Mexican expedition.

Now, if the Mexican empire fails, the French creditors lose, and the government ought to pay them. We do not hesitate to say, then, that we are in justice bound for the Mexican bonds to French creditors. If Mexico cannot pay, France must; that is the short of it.

Let us look into the *Moniteurs* of the 11th and 12th April, 1865. Here we find the report of Mr. Costa encouraging the new monarchy, and the minister of state repeats it to the public; but he takes care to add: "It is not a question of responsibility for the Mexican loan." It is plain the French government is not legally responsible for the loan. But the bondholders reason after this fashion:

The government authorized the loan, and employed its officers to negotiate it; it formed a Mexican finance commission to act for its interests; a minister of finance was sent to the emperor Maximilian; the useless bonds of the first loan were exchanged for good ones; it paid the troops in Mexico with our money; old Mexican debts were paid in London with our money; for these reasons the French government is responsible for the Mexican loans.

We will speak plainly.

We cannot deny that Mr. Costa's report, the support of the plan before the legislature, the authorization of the government, the Mexican commission, had a certain influence on the sale of the bonds; but the twelve per cent. interest and the prizes had a greater. The government ought not and will not deny its responsibility in this affair; but to charge the French people with the entire burden of those loans would be too much.

The fact is this:

France favored the issue of the loans, hoping to establish a new nation as the result of its expedition. It used a large portion of the money raised to pay the expenses of the expedition and put down Juarez. It took part in the loan, and is certainly liable as far as the advantages it derived from it.

If the bondholders have not the law on their side, at least they can rely upon the honesty and justice of France in all her transactions.

A. DE FEULGOEL.

No. 4.

[From the *Opinion Nationale*, Paris, October 11, 1866.]

THE END OF THE MEXICAN BUSINESS.

Of all affairs occupying the public at present we may truly say that none hangs so heavily on the mind as the prospective and much desired end of the Mexican expedition.

We do not intend to go over an affair we have so often discussed, but we have a fact to state: our flag is about to quit the shores of Mexico. Mr. Drouyn de Lhuys, in his despatch of the 6th of April last, closing his long correspondence with the United States, used these formal words:

"The Emperor has decided that the French troops shall quit Mexico in three detachments. The first is to leave in November, 1866; the second, in March, 1867; and the third, in November of that same year. You will please inform the Secretary of State officially of that decision."

If this is not exactly a formal promise to the government of the United States, it is at least an official notice of a disposition to accede to the wishes of that government, and puts an end to a long correspondence on the important subject. We are assured that the evacuation will begin next month. But rumor says, since that despatch, the French government is convinced that withdrawing the army in parcels will leave the rest unprotected, and there is hope that the whole army will return in November.

What will take place in Mexico after the army leaves? If Maximilian is as firmly fixed as he says, he will have to depend entirely on "the good disposition that everywhere prevails," and go on with his hard work of founding an empire.

If, on the other hand, his government cannot get on without our aid, he will return to

Europe with our army. At all events, he has played his part in Mexico; our fear of a war with the United States is over, and we shall spend no more money for Mexico. We will then attend to our own business at home, and watch affairs in Europe. That will be quite enough to keep us busy, and our people's minds will be relieved from a great weight.

But the relief would be greater if the government would say if it intends to secure two points of exceeding interest to Frenchmen, viz., will it protect our countrymen in Mexico, and will it pay the Mexican loan debts? We don't know how we can protect our friends in Mexico after our army has left. That depends on circumstances; but we hope the government will do its best to shield them amidst the anarchy that will prevail when our troops are gone.

As to indemnification to the bondholders, that is easy. It is generally believed the government will pay them. Most of the loan went into the treasury, and of course the government will repay what it took from the people. We cannot say for certain what the government will do; but it must do something, and that promptly. *Quod facis fac citius!* must be the motto, for two reasons; one is, all delay in financial matters causes loss. If there is delay, the purchasers at a low rate will be gainers; the other is, to bury the Mexican expedition as soon as possible in oblivion, and have its funeral preached to calm the world.

AD. GUEROULT.

No. 5.

[From *La Liberté*, Paris, October 12, 1866.]

FRENCH INTERESTS.

To questions put by *La Liberté*, the Pays makes this reply on Mexican affairs;

"We answer the questions in *La Liberté* after this fashion: The mental condition of the empress Charlotte is unfortunately very serious. This blow, adding to Maximilian's other troubles, will most likely cause him to relinquish his hard task. We do not want the public to be deceived by the despatch we published yesterday. The French government is deeply interested in Maximilian's return from Mexico, and General Castelnau is the bearer of definite instructions, though we cannot say precisely what they are. But one thing is certain, *Napoleon will never consent at any price to give up Mexico without securing French interests, let it cost what it will.*

"PAUL DE CASSAGNAC."

Such is the question, and now we will give the answer. The Pays agree with us that Maximilian must abdicate; so we tell the Patrie the empire is done, according to the Pays' candid confession. But how are we to protect our countrymen when Maximilian quits? That is what the Pays cannot tell us. It says the government will not give up Mexico without giving the most complete guarantee to French interests. How is the government to do that? we ask our honorable colleague. We see no other issue than that proposed in the treaty of Soledad, three years ago. Are the French interests the Pays alludes to in France or Mexico? If they are in France, why prolong the Mexican expedition? Nothing has been gained by it yet. We went to war for a few millions, and we have spent two hundred and fifty millions. First, the French claims, including Jecker's, amounted to a few millions; now, they amount to many millions. At first, Frenchmen were treated as well as any other foreigners in Mexico, now we don't know but they may be murdered to-morrow. That is the balance sheet! After making the mistake of trying to found an empire, now it is down, let us resume our liberty of action.

Must we be responsible for a new government that can be no better than the first? Must we risk a war with the United States by staying in Mexico? That is what the Pays means by saying the Emperor will secure French interests at all risks. It wants a new sacrifice of men and money; it wants a war with the United States.

We do not regard French interests in that light. It was not to the interest of France to begin the Mexican expedition; and when commenced, it was France's interest to stop at Soledad with England and Spain. When France was left alone, it was her interest to treat with the Mexican government after the capture of Puebla and the occupation of the city of Mexico. After founding a government and assuming a guardianship of it, France ought to have lent it money at six per cent., and not have cheated it out of many millions.

We have said this before, and not in passion or with a party spirit. Now we say there are but two roads to pursue in Mexican affairs:

If we try to make Mexico a French province, we shall have war with the United States; if we withdraw with Maximilian and treat with Juarez, we shall have peace. As we have always been victorious in Mexico, we can retire with honor, which is of great importance. There remains then but one political mistake to correct, one debt to liquidate. "A money wound is not mortal," says the proverb. That is true, if it be properly dressed and not allowed to mortify.

CLEMENT DUVERNOIS.

THE RIGHTS OF JUAREZ.

All the papers favoring French intervention in Mexico make much noise about the differences between Juarez and Ortega, and with strange inconsistency grant rights to the latter which they refuse to the former.

For the benefit of history we will correct these mistakes. According to the constitution of the Mexican republic, in case of the President's death, the president of the supreme court succeeds to power. Now, in 1862, Ortega was president of that court, while Juarez was President of the republic. During that year Ortega was made chief of the eastern division of the army, and marched to defend Puebla. While besieged in that city, congress, mindful of the risks he ran there, deposed him from chief justice and put a lawyer named Ruiz in his place.

When Juarez's time expired in 1865 extraordinary circumstances induced a large number of Mexicans to re-elect Juarez. Ruiz protested against that election. Ortega's protest was null and void, for he was no longer president of the supreme court, and had no right to the presidency of the republic. The government at Washington is right; for as long as it has a minister accredited near Juarez, it will not notice the pretensions and protests of Ortega.

H. PESSARD.

No. 6.

[From *Le Siècle*, Paris, October 12, 1866.]

LET US FINISH THE MEXICAN BUSINESS.

All the papers this morning are commenting upon the telegram sent by the emperor Maximilian to General Almonte, his representative in Paris. It seems all is going on well; all the people are well disposed; the cabinet is formed; and the best understanding prevails between Mexico and its allies. There is no doubt about this, for the information comes from the emperor himself. Since things are going on so well there, why does not the French government take advantage of circumstances, put an end to the unlucky expedition, and withdraw our army? What prevents it from giving this satisfaction to public opinion? Unfortunately the *Moniteur* keeps a sullen silence on this serious subject. Nobody knows what will be done, and guessers have full play. Foreign papers are filled with Paris correspondence purporting to be reliable, giving all sorts of plans and projects and impossible combinations, which the cunning use to the great damage of the credulous.

We would like to know the intentions of the French government, not only in regard to our army in Mexico, but in regard to the Mexican debt, which is daily becoming more grievous to the bondholders. The obligations are depreciating, to the great injury of the original purchasers, and the silence of the government increases the trouble. Why not enlighten us on the subject?

This is the propitious moment. Maximilian says he has no more need of us, since harmony prevails among all classes of the population. Let the government then agree with Maximilian upon a guarantee of French interests, and bring our army back as soon as possible, as it will have to be done sooner or later.

The European horizon is gloomy: peace has hardly been signed between Prussia and Austria, when we hear rumors of another war. Prussian papers openly proclaim the warlike projects of the Berlin cabinet. To humble and degrade Austria, destroy her if necessary; to bring Paris to her senses; to impose laws upon the world; nothing seems impossible to King William.

Who knows how far the infatuation of a first triumph may carry him? Only a few days ago Prussia tried to prevent Austria from appointing a certain minister. Prussia might go further, and France might be called upon to stop her in her fits of audacity and folly. But to do this France will want all her forces now scattered over the world. France is strong, but she must let the world know it for once. To do this, we must recall all our foreign expeditions. The convention of the 25th of September recalls our army from Rome; and now we must bring back our troops from Mexico. We should not have gone to that distant country, and our presence is certainly not needed there now. Why delay? If there are reasons for continuing the occupation, let them be known. But there are none. All the interests we have to defend now are the interests of the Mexican bondholders. Let the government think of that and decide. There is no time to be lost, for we are threatened from two quarters. The present condition of Europe requires all our strength at home, and our finances are damaged by the depreciation of the Mexican obligations. We must put an end to this. A decision is urgent, for many reasons, and Maximilian's despatch makes it easy. France has other and better business than weaning monarchies; she has something more manly to do. The government was mistaken when it thought it could found a monarchy in Mexico. If Maximilian's despatch is true, the empire is fixed; France has done her work; let her be gone. If Maximilian is mistaken, if France is deceived, if the Mexican baby empire is not viable, let us confess our error and retire, since we have done all we could; we have reached the extreme limit of our sacrifices in men and money. Whatever process of reasoning be adopted, the conclusion must be the same.

Let us finish this Mexican business!

No. 7.

[From the *Opinion Nationale*.]

PARIS, October 13, 1866.

We read in the *Pays* as follows :

"The mental condition of the empress Charlotte is unfortunately very serious. The unexpected attack has so much increased the difficulties of the situation, that it is doubtful if the emperor Maximilian will continue his thankless task. We do not want the public to be deceived by the despatch we published yesterday. The French government is deeply interested in Maximilian's return from Mexico, and General Castelnau is the bearer of definite instructions, though we cannot say precisely what they are. But one thing is certain—Napoleon will never consent, at any price, to give up Mexico without securing French interests.

"PAUL DE CASSAGNAC."

These lines give a special character to the paper publishing them, and to which we must call attention. The *Pays*, after publishing the despatch, says we must not be deceived by it, and assures us the French government is much interested in Maximilian's return; hence we conclude the empire, founded and maintained by our soldiers, is lost.

We are much pleased with this declaration of the *Pays*, if it be true, that the French government has decided to give up an enterprise that has cost us so much blood and money, and which should never have been undertaken. Our intervention has lasted long enough. We have injured our finances and unfurled our flag in distant regions, risking a war with the United States, already too long, while events at our very doors called our strict attention. France is certainly opulent and powerful; but while so many changes are taking place in Europe, it is her duty to attend to interests at home.

The regeneration of Mexico, by our arms, or by the efforts of Maximilian, is an impossibility, and we should have known it on the day that Spain and England gave up the expedition to us. It is never too late to do good; and the day that our soldiers quit that unlucky land will be a thrice happy day, even if it be the dying day of the Mexican empire.

When the *Pays* says that the Emperor Napoleon will not give up Mexico "till our interests are assured," we readily believe it; but it is easier to write this than to effect it. What does the *Pays* mean? What will the Emperor do? If the *Pays* knew, it should have told us. It seems to us that extreme means have already been used by the Emperor, for many years, by an armed and expensive occupation of a vast country without arresting the civil war for a single day or gaining anything but an increase of a debt against a government that is already insolvent.

ARTHUR ARNOULD.

Mr. Seward to Mr. Courtney.

DEPARTMENT OF STATE,

Washington, November 8, 1866.

SIR: I enclose the original of a letter addressed to me by a person signing himself Antonio Lopez de Santa Anna, and, as you will see, claiming to be a nephew of the general of that name. My reply to the same is also enclosed. It is desired that you should ascertain whether or not there is such a person as the writer of the letter. If there should be, the answer may be posted. If there should not be any such person, I will thank you to return the letter and the reply to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

SAMUEL G. COURTNEY, Esq.,

Attorney of the United States for the Southern District of New York.

Don Antonio Lopez de Santa Anna, jr., to Mr. Seward.

NEW YORK, November 7, 1866.

MY DEAR SIR: I am the nephew of Santa Anna, the Mexican general, and as his only relative now near him, am bound in all duty and conscience to see that he suffers no harm

from designing persons. I have sufficient grounds to make me believe that the general is not faithfully served, and that in consequence of trusting to representations urged upon him, he may lose not only his reputation and his fortune, but even more—his life, in a mistaken enterprise. I, therefore, am driven to take this liberty of addressing myself to you; and I beg you, not as minister of state, but upon your generous instincts as a man ready to aid a fellow-man, to tell me (if it may be done without detriment to the public interests) whether the United States government is treating with my uncle, the general, in reference to Mexico. The general believes, and is acting under the belief, that such a treaty exists between himself and the government, but I do not believe that he, in person, has ever met an accredited agent of the government; and therefore it is that I pray you for such an answer to this my respectful inquiry as may enable me to disabuse his mind and save him from dangers to which his present ill-advised course must expose him.

I have the honor to be, very respectfully, your obedient servant,

ANTONIO LOPEZ DE SANTA ANNA, JR.

Hon. WILLIAM H. SEWARD.

I requested an American gentleman to write this letter, at my dictation, because of my not being familiar with the language; and I add this note, that a letter addressed to Mr. Antonio Lopez de Santa Anna, jr., at New York post office, will reach me.

ANTONIO LOPEZ DE SANTA ANNA, JR.

Mr. Seward to Don Antonio Lopez de Santa Anna, jr.

DEPARTMENT OF STATE,
Washington, November 8, 1866.

SIR: I have received your letter of yesterday, representing yourself to be the nephew of General Antonio Lopez de Santa Anna, formerly President of the Mexican republic; that you have reason to believe that the general is not faithfully served, but that, owing to improper influences, he may lose his reputation, his fortune, and even his life, in a mistaken enterprise. You then ask me if this government is treating with the general upon the subject of Mexico.

In reply, I have to inform you that this government has not recognized any other Mexican authority, or held correspondence or entered into negotiations with any other, than that of President Don Benito Juarez.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ANTONIO LOPEZ DE SANTA ANNA, JR., *New York.*

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, November 9, 1866.

MY DEAR SIR: Believing you would like to see the detailed and authentic accounts of the infirmity that afflicts Madam Charlotte Leopoldine, ex-archduchess of Austria, I send you a copy of a communication from Don Joaquin Velasquez de Leon, called minister of Maximilian in Rome, directed to his master from that city on the 18th of October last, informing him of all that had happened up to that time.

I may as well say the original of the communication is in my possession.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Communication of Velasquez de Leon, minister at Rome, to Maximilian, in Mexico.

SIRE: I proceed to inform your majesty of the particulars of the unfortunate and unexpected events of the last few days.

We could imagine many calamities to Mexico, but it certainly never entered our minds, when we were admiring the courage and heroic valor of her majesty the empress at leaving

your majesty, enduring the dangers and fatigues of the bad roads to Vera Cruz, in the rainy season, in the midst of yellow fever, crossing the ocean and coming as a great negotiatrice to demand rights for Mexico and the execution of treaties, that she would be so ungraciously received in Paris as to affect her Majesty's mind so seriously.

The desperate condition of Mexico, a country so much beloved by her majesty, undoubtedly had much influence in the mental excitement, but she showed some symptoms of derangement at Puebla and Acultzingo. The effects of her reception in Paris were so strong that she had to stop in Botzen, on the way to Rome, where she imagined she saw Paulino Lamadrid in disguise, playing an organ, and fancied herself surrounded by Napoleon's spies and traitors, who had poisoned her. On account of the unexpected delay at Botzen I did not meet her majesty at Orti, whither I had gone with Bishop Ramirez to receive her, because Señor Degollado was sick. A committee from the pontifical government also went to meet her.

Telegraphic despatches on the way informed me that her majesty would arrive at Ancona, and we went there, where we heard she had stopped at Botzen. While there we visited the holy temple of Loreto.

Her majesty the empress arrived on the 25th, and we left by an express train for Rome, where we arrived at 11 o'clock at night. At the first water station her majesty sent for me to come to her car, where she was alone with Madame del Barrio, her lady of honor, and asked me the state of affairs in Rome. Our conference lasted over two hours. Her majesty concluded by saying I was as well informed on affairs in Mexico as in Rome, and promised to act by my directions here. Her reasoning was very sensible and logical, and I did not once suspect that mental agitation that subsequently developed itself.

On the 26th her majesty rested in Rome, and the next day we called to see his Holiness. That same day her majesty condescended to send her grand chamberlain, Count Del Valle, to invite me to her table, and the same honor was extended to the committee and to his grace's chaplain, so we were all Mexicans at her majesty's table. In the morning, just as we were ready to start to the Vatican, her majesty saw from the Hotel de Roma, where she was stopping, that the cockade of her coachman's hat was not in order, and she reprimanded him with much excitement, and delayed us till past the hour fixed for our reception.

This interview was solitary, as your majesty knows is the custom with sovereigns, and lasted one hour and eighteen minutes; then her majesty presented her suit to kiss the foot and hand of the holy father, and we retired till dinner was served, when her majesty ordered Mr. Castillo to be seated at her right, according to the court manual. I told her you said my place was there, next to the president of the council, as the oldest minister, though I had no portfolio, but I obeyed her orders.

Her majesty was angry at table, and took neither sherbet nor coffee till we had all been helped. She fancied the coffee pot had a hole in it, and had it taken away from the table.

On the 28th there were several incidents that seemed strange to the uninitiated. I will mention one of them. I was sick in bed that day; her majesty sent for me three or four times, and finally ordered me to be brought before her in my bed. As that could not be done, she sent to see what was the matter with me. It seems she thought I had been poisoned the day before at her table.

After receiving the diplomatic corps and other authorities, her majesty, the empress went to visit the churches and monuments of Rome, in company with Commander Datti, his Holiness's private chamberlain of the sword and cloak, who was appointed to wait on her on that occasion.

At 8 o'clock in the morning, on the 1st instant, her majesty the empress went out and I waited for her till 3. At 5½ I got a note from Cardinal Antonelli, telling me to come to the Vatican immediately. I was at the hotel with Castillo, and having no carriage ready I took the one our consul came in. He had been waiting since 11 o'clock in the morning to see her majesty.

I met Cardinal Antonelli much afflicted, because her majesty the empress said she would not return to the hotel until Count Del Valle, her lady of the wardrobe, and Dr. Benslaveck, who she said had poisoned her, had left the house.

The cardinal perceiving her excitement without apparent cause, asked permission to write to me. "Yes," said she, "you may write to Velasquez, but I have no confidence in anybody but his Holiness."

We contrived that those persons should leave the hotel, without scandal, and I then went to the Vatican and informed her majesty they had left according to her orders. She partook of the Pope's dinner, and wanted to stay in the Vatican all night for fear of the persons mentioned, but I persuaded her to return to the hotel by 7 p. m. On entering her room, she perceived the keys were not in the door. In fact, the doctor had taken them away secretly, as he afterwards acknowledged, to lock her majesty in her chamber, in case of a violent attack. Missing the keys, she went straight back to the Vatican, and locked herself and Madame Del Barrio in the room under the Pope's, where she passed the night. The next day she amused herself in the Vatican gallery till noon, and then returned to the hotel and examined to see if the suspected persons were there. They had returned and had taken other rooms so as to be near her majesty, as they were responsible for her august person, her health, and her jewels.

His Holiness sent his physician and the doctor of the San Giacomo hospital to consult her majesty's physician, and they pronounced her disease monomania.

While her majesty was in the Vatican on 1st, Antonelli sent for the Count of Flanders and Count Bombelles, at her majesty's instance and with the Pope's consent. Luckily they were at Miramar, where they had gone by permission to visit their Austrian relatives. Castillo and I sent a telegram to our minister in Belgium to hurry the Count of Flanders, in case he was there, and we sent your majesty word by the Atlantic cable the same day.

When she was not on the terrible idea of poison, she conversed rationally, and nobody suspected her mental alienation. She never spoke to me of poison, for I did not see her in the Vatican, and since then she never mentioned the subject, but always received me in a friendly manner.

The Count of Flanders and Count Bombelles arrived at 8 the next night, and resolved to take her majesty to Miramar next day. On the morning of the 8th she sent for Castillo to sign several documents which she gave him, discharging all her suit, and even Mr. Castillo himself, but of course he did not sign them. The physicians had agreed upon the necessity of her majesty's leaving Rome immediately, on account of the effect of the sirocco on her nerves, and to isolate the august invalid.

On the 7th her majesty the empress left by a special train for Ancona, with the Count of Flanders, all her suit remaining in Rome. A steamer was ready at Ancona, and on the morning of the 10th she arrived at Miramar.

The Count of Flanders, thinking solitude would be best for her majesty the empress, did not permit her to take leave of any one.

In respect to family decisions, and for the good of her majesty, as well as to avoid responsibility, I requested Count Bombelles to give me a written statement of the physician's orders to the Count of Flanders, the relation of our sovereign, who had naturally taken charge of her in her present state of health. He gave me the document, and by reason of it her majesty's extraordinary committee were not present; but as good Mexicans, Noriega and I went to the station to bid adieu to our unfortunate sovereign, who was now suffering for her love and devotion to Mexico, to offer her the most important service under the trying circumstances.

She spoke to me with her usual amiability, and asked why my companions were not present. They remained away by reason of the doctor's orders, a written copy of which I send you. I told her majesty they were indisposed. She asked if it was on account of the rain, for it was raining at the time. The Count of Flanders then shook my hand, offered his arm to the empress and entered the cars with the Belgian minister and his lady, the Austrian chargé and the Austrian and Belgian secretaries. The Belgian minister, Mr. Noriega, the secretaries, and I followed, according to etiquette, from due respect and consideration to my sovereigns.

I have lately heard that the idea of poison originated in Paris. While visiting the Tuileries, lemonade was given to her majesty and her lady, Madame del Barrio, and when she got back to the Grand Hotel she told Kichachirrach that they had poisoned her. On the 11th her majesty's grand chamberlain left for Trieste, and Castillo started on the 12th. Before leaving he got a telegram from the legation in Paris enclosing your majesty's, giving the good understanding that reigned everywhere in Mexico, among all classes, the complete organization of the ministry, &c. As soon as I received the despatch from Mr. Castillo, I sent it to the *Osservatore Romano* for publication that day; but as it appeared with the date of the 2d of September, instead of the 29th, the true date of the telegram, I had it republished the next day with the date corrected.

Señor Barrio and his lady remain here to rest, but expect to start for Trieste soon, so as to be near Miramar when your majesty's orders arrive.

Papers here publish extracts from those of the United States reporting that Santa Anna had raised a loan of three millions of dollars, purchased six steamers, and sent an expedition of two thousand men to the coast of Mexico.

I received your majesty's communication of the 5th from Cuernavaca, and I see in the *Diario del Gobierno* of the 4th the appointment of Castillo as minister to Rome. He thinks it a temporary appointment, because, as he is not acquainted with affairs here, the negotiations of the concordat would be delayed, or would fail.

We have not received the letters recalling the committee, and it is unpleasant for me, who have always deserved the confidence of your majesty and the government, to be brought down to a level with the rest and be compelled to quit Rome just at the time I was about asking leave to travel next summer with my family for my health, when I could write to your majesty from various places; and at the same time that Ramirez and Degollado were urgent to get back to Mexico, we see ourselves in opposite positions; they are to travel and I am to go back to Mexico immediately. I suspect this is a mistake of your majesty's secretary, in writing the letters, though I have no idea of disobeying your majesty's orders. I am sorry to learn at this moment that her majesty the empress even suspects the Count of Flanders, and will not see him. I regret to send you such sorrowful news, but it is my determination to let your majesty know everything, as that is true frankness and loyalty, and the true way to serve you. I hear that the consul in Jerusalem and the Franciscan fathers there are suffering for want of means.

Wishing your majesty all consolation, and now more than ever the special protection of Providence, I remain your majesty's most obedient servant,

JOAQUIN VELASQUEZ DE LEON.

His Majesty the EMPEROR, Mexico.

Mr. Courtney to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, November 14, 1866.

SIR: I have the honor to acknowledge the receipt, on the 11th instant, of your favor of the 8th instant, respecting the enclosures, &c., of a letter to be posted to Don Antonio Lopez de Santa Anna, jr.

After making diligent inquiry I ascertained there is such a person as mentioned in your letter, and he is represented to be the nephew of Don Antonio Lopez de Santa Anna. I have, in accordance with your instructions, deposited in the post office of New York the letter you enclosed, directed "Señor Don Antonio Lopez de Santa Anna, jr., New York." I enclose herewith the documents mailed to me, excepting the letter above referred to.

I have the honor to be, sir, your obedient servant,

SAMUEL G. COURTNEY,
United States Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Señor Romero to Mr. F. W. Seward.

[Translation.]

Unofficial.]

WASHINGTON, *November 16, 1866.*

MY DEAR SIR: Fulfilling the offer I made you some time since, to obtain authentic intelligence from my government about the reported shooting of a son of the Marquis de Montholon, I wrote at once for that purpose to Mr. Lerdo de Tejada, who has replied to me, contradicting that rumor, as you will see in the letter (of which I send you a copy with this note) which that gentleman sent me on the subject under date of 20th of October last.

I remain your very respectful and obedient servant,

M. ROMERO.

Hon. FREDERICK W. SEWARD, &c., &c., &c.

[Translation.]

No. 478.]

DEP'T OF FOREIGN RELATIONS AND OF GOVERNMENT,
Chihuahua, October 20, 1866.

I have received your notes Nos. 625 and 630, of dates 20th and 21st of September last, relative to the information which was confidentially asked from you by the Hon. Frederick W. Seward, acting Secretary of State, about the news published there of the death of a Marquis de Montholon, who was supposed to be son of the Marquis de Montholon, minister of France near the government of the United States.

Such news was published in a newspaper at St. Louis, by inserting a letter which was said to have been received from a point on the frontier, in which assurance was given that the Marquis de Montholon had been taken in the State of Durango and executed by his captors.

I can assure you that the fact so related is not true. In the State of Durango no one has been captured or executed who could be Marquis de Montholon, or other person who could bear that name.

I suppose that the origin of that inaccurate report must have been a rumor set afloat in March or April of this year. Then it was said, that in one of the many encounters had near Mazatlan, in the State of Sinaloa, a son of the Marquis de Montholon died. A little time afterward it was cleared up, that the French commander or officer killed was not a son of Monsieur Montholon, nor bore that appellative; and that the mistake originated in his having an appellative with some termination similar to it, and that he belonged to some family well known and respected. Although I have not now before me the notices relating to the per-

son who died at that time, I can assure you that I saw them at the time, and in the manner I have related.

Therefore I believe I can assure you that the notice published in the St. Louis newspaper, neither in the mode of publication nor otherwise, is in any respect accurate.

I assure you of my respectful consideration.

LERDO DE TEJADA.

C. MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary of the
Mexican Republic to the United States of America, Washington, D. C.*

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 16, 1866.

MR. SECRETARY: In reference to the communication which I addressed to your department on the 29th of September last, relating to Don Antonio Lopez de Santa Anna, I have the honor to transmit to you this day a number of the official paper of the Mexican government, of the 22d of October last, containing various documents on the same subject, and among them a communication addressed to me by Señor Lerdo de Tejada, minister of foreign affairs of the Mexican government, from Chihuahua, the 19th of October last, (No. 476,) approving the terms of the answer I gave to Señor Santa Anna on the 20th September, of which I sent you a copy with my note of the 29th September, before mentioned.

I take advantage of this occasion to renew to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

No. 627.] MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, September 20, 1866.

I have the honor to send you a copy of the reply I made this day to the letter which Don Antonio Lopez de Santa Anna addressed to me on the 5th instant, and of which I sent you a copy with my communication, No. 623, of yesterday. I informed Señor Santa Anna in my answer that my discussion with him was hereby closed on my part—a discussion he had provoked—and that in future I would answer no further communication from him on the same subject.

In regard to the imputations cast on you, I did not think proper to answer them, but leave them to you to do it if you choose.

I hereby repeat to you the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN AFFAIRS, *Chihuahua.*

No. 2.

No. 476.] DEPARTMENT OF FOREIGN AFFAIRS AND GOVERNMENT,
Chihuahua, October 19, 1866.

The citizen President of the republic has considered your notes numbered 623 and 627, dated the 19th and 20th September last, with which you sent me the copy of a letter that Don Antonio Lopez de Santa Anna wrote to you, and a copy of your answer to him, in regard to the resolution of the government refusing to accept the offer of his services. As you have given a sufficient answer to the inexact conceptions in the letter of Mr. Santa Anna, it is useless for me to trouble myself about them, in what refers to me and the charges I made in my

communication of the 6th July. Moreover, those charges are recorded in the history of the misfortunes of the republic, and are corroborated by facts so generally known that it is idle to dispute them.

Accept the protests of my attentive consideration.

LERDO DE TEJADA.

Citizen MATIAS ROMERO,

*Envoy Extraordinary and Minister Plenipotentiary
of the Mexican Republic in Washington, D. C*

Señor Romero to Mr. Seward.

[Translation.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 20, 1866.

Mr. SECRETARY: I have the honor to transmit to you, for the information of the United States government, the accompanying documents, containing official reports of recent events in the eastern military division of the Mexican republic.

I call your special attention to two important victories of General Diaz over the French and Austrians on the 3d and 18th of October last, at Miahuatlan and Carbonera, in the State of Oaxaca.

I avail myself of this occasion to renew, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

YXCAQUISTLA, *September 1, 1866.*

ESTEEMED FRIEND: Five days ago I entered Tepeji and routed its small garrison, which fled, leaving me some prisoners and arms. I staid there two days and then came to this place. The Austro-French traitors did not venture to follow me, but continued to fortify themselves in Tepeaca. Acatlan is cut off and I will soon attack it. I do not expect to get anything more than arms in these towns. Yesterday morning, at daylight, I sent a cavalry company to the neighboring towns to collect the arms distributed by the French, and it got back to-day with a considerable number of muskets and a quantity of ammunition. I have sent out another expedition to-day for the same purpose.

Don Rafael J. Garcia is now acting governor of the State of Puebla, and I have appointed General Cuellar commander of the districts of the valley north of Puebla and Tlaxcala. General Mendez is in command of the Sierra del Puebla, General Ramos is chief of the western districts, and General Leiva is operating near Cuernavaca, while Figueroa is threatening Tehuacan.

* * * * *

Your attentive and obedient servant,

PORFIRIO DIAZ.

Mr. MATIAS ROMERO.

No. 2.

[From the official bulletin, Tlacotalpam, October 25, 1866.]

REPUBLICAN ARMY—EASTERN LINE—GENERAL-IN-CHIEF.

CITIZEN MINISTER: After my fight with the Hungarians at Nochistlan, on the 23d of September, as you know, I came to this place by Teozacualco and Peras. As soon as my movement was known at Oaxaca, Oronoz was sent out after me, with 1,100 men, and came in sight at half-past three in the afternoon of the 3d instant. As the enemy marched rapidly, I sallied out with my escort to find a place for the infantry on the Nogales hills, west of the town, while General Vicente Ramos held the enemy at bay with his cavalry. Then, with

the infantry of Colonel Manuel Gonzales to support me, I located my artillery as follows: The line of battle extended from north to south; the Morelos battalion of 100 men, under Juan J. Cano, was on the right; the mountain sharpshooters, under Felipe Cruz, with 230 men, came next; and the Patria battalion of 96 men, under Colonel José Segura y Guzman, closed the left. On the right was the Chiantla company of 80 men; the battalion of loyal countrymen came next, consisting of 130 men, under José G. Carbo. The line thus established, General Ramos passed through the town and left thirty armed citizens, under Captain Apolinar Garcia, to protect it.

To prevent the cavalry from being molested I ordered forty mountain riflemen and the inhabitants to hide in the fields adjoining the town. The cavalry passed on the right to the rear of our line, while the enemy kept on till he got in front of our line on the hills of Yolveo and the Matadero; there, forming into three columns, he opened the combat with artillery. Our riflemen bravely sustained the first onset of the enemy, who, thus stopped, profited by the unevenness of the ground to continue the fight as he retreated.

Seeing the great number of the enemy, I enforced my line with the rest of the Chiantla company and twenty of the Tlapa battalion, under Colonel Juan Espinosa Gorostiza. The fight then became general along the line, and, as our ammunition was giving out, I ordered an assault on the enemy's position, and gained a complete victory. Determined upon this I ordered the riflemen across the river, and ranged the rest of my forces into columns; General Ramos, with the Tepeji squadron, marched to the rear of Oronoz, so that the enemy was completely surrounded. Then I gave the signal of advance, and placed myself at the head of a column formed of the battalion of Fieles and the Pueblo lancers. Colonel Espinosa soon joined me, and we advanced together. Colonel Gonzalez and Juan de la Luz Enriquez marched to attack the right flank. Our troops overcame all obstacles, and advanced straight in front of the enemy; took his artillery, turned it against him, and gained a complete but hard-earned victory. Ramos took the rear with his cavalry, and executed such a rapid movement that the enemy could not escape.

The scattered enemy was pursued for three leagues, throwing away his arms; the quantity of which you will perceive by the annexed report, as well as the killed, wounded, and prisoners on both sides, with the munitions, baggage, and pack-mules.

I am pleased to inform you that the chiefs, officers, and men behaved with signal gallantry on the occasion, and I can make no special commendations.

The traitor officers taken prisoners were shot, in accordance with the law of the 25th of January, 1862. Their names and rank are given in the subjoined list. Some of them were the same that went over to the enemy at the last siege of Oaxaca.

I spent the 4th and 5th in this place, reorganizing my forces, enlisting the prisoners taken, and arming the rest of my men with the arms that were captured. I also formed a hospital, and then reviewed my entire force. I start for Oaxaca to-day; it is already in possession of Colonel Felix Diaz, and the enemy is confined to Santo Domingo, Carmen, and Cerro de la Soledad.

I have sent for General Luis P. Figueroa and Colonel Lopez Orozco, with their respective commands.

Independence and liberty! Miahuatlan, October 6, 1866.

PORFIRIO DIAZ.

THE MINISTER OF WAR AND MARINE,
At Chihuahua, (or wherever he may be.)

No. 3.

MEXICAN REPUBLIC, SAN FELIPE DEL AGUA.

October 11, 1866.

ESTEEMED COMRADE: Under date of the 4th instant I wrote you, giving you an account of the splendid victory obtained by the force under my command over the expedition coming to attack me at Miahuatlan, under the orders of Oronoz, but knowing that my letter was miscarried, I direct you this, giving you an extract of said letter, in which you will see in brief, with all its details.

About three o'clock of the afternoon of the 3d instant the enemy appeared, advancing rapidly upon this place. I decided to go out immediately and meet him, and leaving General Ramos with the cavalry to detain him a few moments, I placed the infantry quickly on some rising ground that appeared to me advantageous, and soon the enemy opened fire on us. The column of the enemy was composed of 1,200 men, of three arms, of which three hundred were cavalry, and two mountain howitzers. The sharp fire of the enemy was answered with spirit by our advance sharpshooters, and near sunset, noting that the enemy did not make a general attack, and finding myself nearly without munitions, I concluded to attack him, for which purpose I organized my columns and descended from my positions upon the enemy's lines. On crossing the river that separated our positions, the enemy's camp fell into disorder, and on charging them his battalions commenced to run, (having

formed in some few groups, making a slight resistance,) followed by our cavalry. They were fast falling into our power, being killed and wounded on the field of battle. All the arms, two pieces of artillery, munitions, say fifty mule loads, and various other effects of war; also, more than four hundred prisoners of war. On the field about eighty killed. Of the French not one escaped. The greater part were killed, and among them their commander, Testard.

The moral effect is greater than the positive triumph. As a consequence, my brother, who was near the capital, (Oaxaca,) occupied it immediately with some force from the hills, and the enemy, filled with panic, made but feeble resistance, shutting themselves in their fortifications of the Cerro, Santa Domingo, and Carmen. After securing the field of battle and reorganizing my forces, that were considerably increased, I marched on the city to direct the siege. Figueroa has to come here with his forces, and I expect momentarily Lopez Oroasco, with troops from Costa Chica.

The siege is well organized, and the enemy know well that they cannot receive assistance. I have my headquarters at this point, which is very convenient for the operations.

PORFIRIO DIAZ.

General ALEJANDRO GARCIA, *Tlacotalpam*.

No. 4.

NATIONAL ARMY—HEADQUARTERS OF THE MILITARY DIVISION OF THE EAST.

HEADQUARTERS AT LAS MINAS,

October 18, 1866.

CITIZEN MINISTER: After the battle of Miahuatlan, on the 3d instant, about which an official report has been sent to your department, I marched to Oaxaca, which was besieged by Colonel Felix Diaz, took active measures to perfect the siege and shut up the garrison, and just as I was about assaulting it I heard that a column of 1,500 men, of infantry, cavalry, and artillery, was coming to aid the besieged garrison. I at once left Oaxaca, and came without delay to meet the column. To-day at noon I met the enemy at "La Carbonera." The battle began at 1 p. m. with great tenacity and determination on both sides. It is 7 o'clock p. m., and we are at Las Minas, having followed the enemy for three leagues, and captured 396 Austrian, Polish, and Hungarian prisoners, among whom are seven officers, four mountain rifled guns, over 600 carbines, and great abundance of munitions. I have had some very dear losses.

I have no time to lose, as I must prevent the escape of the enemy which was at Oaxaca with very good artillery and great abundance of arms, ammunition, and clothing. I will send you afterward a detailed account of this important victory.

Please congratulate the citizen President for it.

PORFIRIO DIAS.

Citizen MINISTER OF WAR, *Chihuahua*.

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, November 20, 1866.

MY DEAR SIR: I have the honor to send to you for your information copy of a letter which I received to-day from Vera Cruz, dated 1st of this month, and written by a trustworthy person, containing various important notices of the causes which have hindered the embarkation of Maximilian at that port.

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

VERA CRUZ, November 1, 1866.

Maximilian has not embarked, nor will he probably embark for some days. The French hinder his departure until he signs an act of abdication.

An indiscretion of the commander of the Dandolo frustrated the embarkation of Maximilian, who was going off; and—you may wonder—without Bazaine suspecting it! This seems extraordinary, but is the case, notwithstanding.

From his leaving Mexico the rumor ran that the Austrian was going off; but this did not go beyond rumor, and as, any way, the ministers were the first in giving assurance that the journey to Orizaba was like the former one to Cuernavaca, and nothing on the part of Maximilian indicated the project of flight; thus you have the reason why in Mexico they did not give greater credit to the public rumor, and Bazaine slept at ease.

But the Austrian had his plan ready, and would have gone off with his following, but for the indiscretion of the commander of the Dandolo, as I have already said. This captain received a despatch from Maximilian at half past twelve at night, before last, warning him to have his frigate ready by five o'clock in the afternoon of the following day, at which time he would be here and embark at once.

As soon as it dawned the Austrian captain ran to the house of the French commander, Monsieur Peyran, and in confidence communicated the message he had received, taking leave of him, and asking his orders for Trieste.

Mr. Peyran hastened to the telegraph and communicated the news to Bazaine, who knew nothing of a journey so close at hand; who immediately cut off all telegraphic communication from the public, and began to give orders to the French authorities at Orizaba, Cordova, and Vera Cruz, and addressed Maximilian himself, informing him that he had knowledge of his projects of flight, and making him understand that if he did not abdicate in form he would not let him embark.

All this is true; it has happened, and I know it from a person very closely connected and in the confidence of Commander Peyran. Maximilian sought to deceive the French, and owing to the indiscretion of the commander of the Dandolo has been caught in his own net.

The basis of the French to ground upon and justify his retirement, is abdication. Maximilian abdicating, they declare their engagements at an end; but Maximilian going off without abdicating or renouncing the throne, and declaring, as they say was his intention, all his "grievances against the French," these rest in a very bad position; immense ridicule would have fallen on them, from all of which they have escaped. Why should you not be assured that this weakness of spirit of the Austrian will make him go through everything; and he will sign, not one, but twenty abdications. His voyage has been postponed only a few days. In whatever way it may be, this ridiculous imperial farce must end ridiculously.

I have been assured that from this day the French are masters of the revenues from this custom-house; they using, and none but they, the whole of the duties collected.

The political prefecture is at an end, and from this day the French superior in command is also political prefect; or, better said, from this day forth there is none other than military administration.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 21, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents in the annexed index, some of which, taken from the official paper of the Mexican government, show the adhesion of several States of the republic to the decree of the 8th of November, 1865, declaring the continuance of the presidential term till a new election can take place. I think proper to call your attention, in a special manner, to letters addressed to me on that subject by Mr. Blas Bruzual and Mr. Domingo F. Sarmiento. One is, as you are aware, envoy extraordinary and minister plenipotentiary of Venezuela to this country, and the other is a minister of the same rank from the Argentine Republic, and accredited to this government.

Their letters you will find among the annexed documents.

These distinguished South American statesmen, of acknowledged enlightenment, who cannot be suspected of mean interests—for they have nothing to hope or fear from Mexico, or any other desire than the success of the American cause at large—agree upon the convenience and necessity of extending the presidential term till a new election can take place.

I embrace this occasion to renew to you, Mr. Secretary, the assurance of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, in relation to the decrees of the 8th of November, 1865.

No.	Date.	Contents.
1	1866, March 17	The governor of the State of Tabasco sends the minister of relations the act of adhesion of the city of San Juan Bautista to the decrees of the 8th of November, 1865.
2	March 4	Act to which the foregoing note refers.
3	July 9	Reply of the department of relations to the governor of Tabasco.
4	April 13	The consul of the republic in San Francisco, California, communicates to the department of relations a note from the governor of the State of Chiapas, reporting the adhesion of that government to the decrees of the 8th of November, 1865.
5	March 8	The governor of the State of Guerrero to the consul in San Francisco, California, asking him to forward the adhesion of that State to the decrees of the 8th November, 1865, to the general government.
6	May 31	Letter from Mr. Blas Bruzual, envoy extraordinary and minister plenipotentiary of Venezuela, accredited to the government of the United States, addressed to Mr. Romero, stating his opinion that the functionaries elected by the people in Mexico ought to continue in the discharge of their duties till a new election can take place.
7	Nov. 16	Letter from Mr. Domingo F. Sarmiento, envoy extraordinary and minister plenipotentiary of the Argentine Republic, accredited to the government of the United States, addressed to Mr. Romero, expressing his opinion that the President of Mexico ought to continue the execution of his duties till a new election can take place.
8	Nov. 21	Mr. Romero's answer to the above letter.

No. 1.

[From the official paper of the constitutional government of the Mexican republic, Chihuahua, July 20, 1866.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—THE CIVIL GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF TABASCO.

SAN JUAN BAUTISTA, *March 17, 1866.*

I have the honor to transmit to your department the original act expressing the opinion of the people of this capital in regard to the decree issued by the supreme magistrate of the republic on the 8th of last November. Have the kindness to make it known to the worthy magistrate who so successfully and constantly rules the destinies of the republic, and assure him that the sentiments of this government and of the people of Tabasco in general accord with his.

Accept, therefore, the sincere asseverations of my profound respect and esteem.
Independence and liberty!

G. MENDEZ.

The MINISTER OF FOREIGN RELATIONS AND GOVERNMENT
of the Republic, Paso del Norte.

No. 2.

An act drawn up in the city of San Juan Bautista, capital of the State of Tabasco, in support of the decree of the 8th of November, 1865, prolonging the presidential term of citizen Benito Juarez.

In the city of San Juan Bautista, of Tabasco, on the fourth day of March, 1866, the people of the capital assembled at the summons of the civil governor and military commander of the State, to say if they accept or not the prolongation of the presidential term decreed at El Paso del Norte, on the 8th of November last, by citizen Benito Juarez, constitutional President of

the United States of Mexico; and having proposed, in order to make the act regular, that a president and secretary be named, the citizen governor was elected by acclamation to the first place, and citizen Juan R. de la Rosa to the second.

The decree having been read, and all citizens present having manifested their will to be in favor of the continuation of the presidential functions of the citizen Benito Juarez, the following resolutions were unanimously adopted:

1. The people of the capital of the State of Tabasco support with all their will, and all their force, the decree issued on the 8th of November, 1865, by citizen Benito Juarez, prolonging the presidential term till the circumstances of the nation can enable a new election of some one to succeed him; and the people of Tabasco, in consequence, acknowledge no other legitimate authority than that now exercised by citizen Benito Juarez.

2. The same people of the capital of Tabasco give a vote of supreme confidence in citizen Benito Juarez for the abnegation and constancy with which he has defended the independence and autonomy of the nation.

And so this act concludes, and is signed by the present citizens, with me, the secretary, which I certify.

G. Mendez.
M. M. Moreno.
Cornelio Castillo.
Lawyer Mariano Pedreza.
Francisco de P. Aguilar.

Victoriano Peres.
Juan Morales.
Juan de la C. Torres.
Ventura Gallardo.
Ricardo Piña.
and 248 other names.

JUAN DE LA ROSA, *Secretary.*

No. 3.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—GOVERNMENT BRANCH—SECTION FIRST.

With your despatch of the 17th of March last you sent me the act drawn up in the capital of your State, manifesting the approbation given to the decree of the 8th of November last declaring the prolongation of the term of the President of the republic till the circumstances of the war will permit a new constitutional election. As expressed in the decree, it was issued because it was thought to conform to the spirit and provisions of the constitution, and to the will of the Mexican people. The citizen President justly appreciates the will of all the signers of the act, not only because it is spontaneous and the vote of free citizens, but because it is also the opinion of the government, as well as of the worthy sons of Tabasco, who have frequently given strong proofs of their patriotism in this war.

Independence and liberty! Chihuahua, July 9, 1866.

LERDO DE TEJADA.

Citizen GREGORIO MENDEZ,
Governor of the State of Tabasco, at San Juan Bautista.

No. 4.

[From the official paper of the constitutional government of the Mexican republic, Paso del Norte, May 31, 1866.]

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT,
CONSULATE OF MEXICO IN SAN FRANCISCO,
San Francisco, April 13, 1866.

J. Pantaleon Dominguez, the citizen governor of the State of Chiapas, writes me on the 15th of February as follows:

"Informed of the contents of your worthy despatch of the 15th of December last, and of the decrees issued by the supreme government of the republic relative to the prolongation of the functions of the actual President, and to the responsibility assumed by citizen General Jesus G. Ortega, I this day order this circulation and publication in the State under my command, and that they be made known to the citizen governors of Tabasco and Vera Cruz, to whom I also send your despatch and a copy of the letter written to you by the first magistrate of the nation. In communicating this information to you, with due respect, I have the honor to reproduce to you the vows of my singular appreciation and consideration."

And I have the honor to transcribe it to you, that you may be so good as to place it in the knowledge of the supreme magistrate of the republic.

I protest to you the assurances of my esteem and consideration,

JOSÉ A. GODOY.

Citizen SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations and Government, at Paso del Norte.

No. 5.

GOVERNMENT OF THE STATE OF GUERRERO.

With your despatch of the 15th of December last I have this day received two decrees issued by the citizen President of the republic, on the 8th of November of the same year; one of which declares the continuance of your functions till the condition of the war may permit a new constitutional election, and the other that there is cause of prosecution against General Jesus G. Ortega for remaining abroad without a permit from the supreme government, with the title of general, having resigned the place as president of the supreme court of justice; and also a circular issued at the same time, explaining the fundamental causes of the issue of said decrees, with the copy of a private letter from the citizen President recommending you to circulate the documents, and declaring his resolution to consecrate himself as ever to the defence of national independence, under all circumstances and in every emergency.

As the reasons that induced the supreme government to issue said decrees are explained in the documents, and as there is no doubt the union congress has authorized him to issue the decrees, I will merely say to you that this government and all the inhabitants of the State agree that you should continue in the presidency of the republic on the said terms, assuring you if it had been otherwise it would have caused great grief in the State, which sees the principles he defends personified, and a certain triumph of the republican cause in the well-deserving citizen who has displayed so much constant energy in the defence of the inalienable rights of the country.

I beg of you to make this known to the supreme government, and present my thanks for the patriotic resolutions, and accept for yourself my distinguished esteem and consideration. Independence and liberty! La Providenza, March 8, 1866.

D. ALVAREZ.

JOSÉ A. GODOY,

Consul of the Republic in San Francisco, California.

No. 6.

NEW YORK, May 31, 1866.

ESTEEMED SIR AND FRIEND: Before leaving Washington a few days ago, you asked my opinion about what should be done in case the constitutional elections cannot take place in Mexico, on account of the occupation of many of the towns by the enemy that has invaded the republic. I will answer in a few words, for the question seems very plain to me.

The Mexican constitution, like all democratic constitutions, consists of two principal parts: one establishes the authority and manner of executing it, and the other the periodical renovation of national official functions. If the nation is prevented from effecting the latter by *vis major* it is not excused from obeying the functionaries constitutionally elected to carry on the government; and those functionaries are not excused from their duties because the nation is prevented from complying with the precepts of the constitution for their succession.

For this reason I think the present functionaries of the republic ought to continue in office as long as the nation is disabled from relieving them, according to the dispositions of the fundamental law.

To think adversely would be believing in national dissolution because an elective formula could not take place; it would be believing the constitution could aid the invader by displacing the functionaries called to represent it and defend it against exterior attack.

So far from thinking the present functionaries, chosen by popular election, ought to retire from their posts before the nation could relieve them, I think that natural law obliges them to continue in the discharge of their public duties, the continuation of which is prescribed by the supreme law of self-preservation.

I am of the opinion that the authority of the high functionaries chosen by popular election ought to consider their offices continued till the nation is in a condition to relieve them; and so the President of the United States of Mexico ought to declare by virtue of the power conferred upon him by the last national congress.

Thus I answer your question, and subscribe myself your obedient servant,

B. BRUZUAL.

MR. MATIAS ROMERO.

No. 7.

NEW YORK, November 16, 1866.

DEAR SIR: With the greatest diffidence, by means of this letter, I comply with your request to state in writing my opinion in regard to General Ortega's protest as president of the supreme court of justice against the decrees of Juarez prolonging his presidential term till a new election can take place. My want of confidence proceeds from the fact that most

of our constitutions contain dispositions that have no precedents in those that have acquired an established jurisprudence by sanction of time, and I run a risk of venturing solutions to practical questions that may be deemed foreign because the case in question is so strange.

It is much to be desired, if Mexico recovers her usurped territory, to have her constitution remodelled after those that have been tested in various countries, so that in cases like the present there may be sources and authorities to give antecedents, and principles to satisfy the public conscience.

The present condition of Mexico is a sad one. Just on the point of shaking off the foreign incubus, with two public powers differing in their understanding of an article of the constitution—in danger of falling into the flames of another civil war! Is it not to be feared that honest citizens may imbrace one or the other party without reflection, or as they may interpret the constitution according to their personal interests or for the renovation of public powers?

It is not the only country of Spanish America that is disputing about constitutional rights obscured by want of plain rules, that have given rise to civil wars and deplorable revolutions.

For this reason it is very necessary to fix the constitutional dispositions in Mexico, by means of an explanation of its principles; and to this end I wish to contribute the following brief considerations:

All constitutions fix a limit to the extent of the dispositions that tend to insure the exercise of individual rights, and it is the preservation of the thing constituted, the state, the nation. No disposition relating to a private interest, or right, can endanger the preservation of the whole; and, therefore, when it is decreed that the sessions of congress shall be public—for the people have the privilege to know the reasons for law—it is provided they may be secret whenever reasons of public convenience require it. It is the same with the first right of man, his personal liberty, which is guaranteed to him by the constitution, whenever it is suspended without sufficient cause according to law; but it is provided that in cases of insurrection or invasion, when public security requires it, the person arrested shall not be informed of the cause of his arrest.

England and the United States acknowledge these limitations, and others too numerous to mention, to rights acquired by time at the cost of immense sacrifices. Public safety, now threatened in Mexico, must, therefore, be the test, as long as the present situation continues, to prove the intrinsic value of secondary dispositions. The periodical change of the executive prevents the establishment of a despotism from habit or force; but this precaution, laudable in peace times, in case of insurrection or invasion must be subordinate to the safety of the nation by means of force. As the part of the country that is free is under martial law, and the rest held by the enemy, the provisions for changing authorities are null, as they cannot be executed.

The constitution of Mexico disposes that the president of the judicial power shall execute the duties of the executive, in its default; and in this particular it differs from the other American republics that confer the power upon the head of the legislature.

The spirit of that disposition is easy to understand; it intended to place power in the hands of an official who could have no interest in party questions, so that he could exercise no influence on the free vote of the people.

The existence of a president of the supreme court supposes a fixed residence in the capital, in discharge of his official duties. Would the constitution make a president of the court that had no court to preside over, or no fixed residence in the place where the court ought to meet? Is it a personal right granted to that functionary by the people, like that conferred upon the vice-president? No. The president of the supreme court of justice exercises his functions in a locality designated by the constitution. His name has nothing to do with the office; whereas, in case of the president and vice-president, the name is everything. From this simple and rational principle, we ask: Can there be a president of the supreme court of Mexico residing in New York, New Orleans, or anywhere in the United States? Can the supreme court emigrate and act outside his jurisdiction? Can a simple justice of the peace in Matamoras cross the Rio Grande, order arrests, and impose fines in the territory of the jurisdiction he has abandoned?

It is the duty of the president of the supreme court to be always found at his post, by the notary, who informs him of causes under his jurisdiction. If he is not found, and it is known that he has left the country, the fact must be made known, so as to show the place is vacant, for his functions cannot follow him out of his jurisdiction.

If there be a constitutional point solemnly recognized, it is certainly that the place is vacated when the functionary moves out of his jurisdiction. The right of governing England belongs to a family, and is hereditary by the laws of succession; and yet, when James the Second left the country, going beyond the limits of his kingdom, and not called out by duty, Parliament declared the throne vacant, and did not call his successor to fill it, because he was the heir of a deceased father, and not the heir of an absent person. If, then, a king ceases to be such by absenting himself from his country, can a judge, who has not officiated for years, and is living out of the country, continue to be judge?

I must here call attention to an observation I have previously made, namely, that the person called by the Mexican constitution to exercise in certain cases a kind of regency is the president of the judicial power, and not the legislative head, as in most other republics.

That is to say, an employé whose duties are confined to the seat of government cannot be governor of a State, general in the army, a traveller abroad, or an ambassador, without resigning his judgeship, the business of which confines him daily to his duties. Perhaps you ask, but what has this constitutional disposition to do with General Ortega, who appears to have an office abroad? Now come the considerations that show the danger to the safety of the country of offices held out of it. The person is exposed to the influences of a foreign state, which he may use to the injury of his country, as is shown in the present case. General Ortega finds himself restricted in his pretensions by the policy of the United States that favors Juárez. If we admit him to any legitimate right to the presidency, we must confess that the dignity of the republic has been tarnished by his imprisonment. If we take the opposite, and suppose him favored by the United States, we would have a President of Mexico under a foreign jurisdiction, and recognized by a strong neighbor giving him hospitality, and acting in the interests of a country that might not always be the interests of Mexico.

These considerations seem to me to be of great weight in solving the dispositions of the constitution.

It is not now proposed to hold an election, for it is impossible. No tyranny is to be put down; all that is to be done is to continue to resist foreign invasion; and to succeed in this, the person who began it must remain in office, and this course is dictated by common sense. "Don't swap horses in crossing the stream," said Mr. Lincoln, in accordance with popular opinion that re-elected him to the presidency, so as not to derange the machinery of war, which is the executive.

Taking advantage of the actual fact, General Ortega's high military qualities do not improve the present situation; to do that, it must be so expressed by election, or we must suppose that a chief justice is expected to possess military qualities. But the constitution does not make General Ortega regent; it appoints to that office whomsoever is president of the supreme court; and the only person who cannot be and ought not to be called to the presidency of the republic by the spirit of the constitution, while the country is struggling for independence against a foreign power, is the president of the supreme court of justice, who is supposed to be versed in the laws, to be just in his decisions, but not skilled in arms to defend with the sword his threatened country. Most likely Mexico is the only country in the world where a general is chief justice. If events should make it desirable to have military men as judges, the constitution would be violated, and its intention frustrated, for the judge was to be a man having no party prejudices; but here we have one, a general, watching every opportunity to get into the presidency.

President Juárez, now in exercise of the supreme power, carries on the war as President, which is not a theory of right, as it is supposed, but a fixed fact, that it would become necessary to destroy, and turn those arms that should be used against the common enemy against the governor of a State, the result of which would certainly be a deplorable civil war, and, possibly, the elevation of General Ortega to the presidency. The fact that the United States do not support the pretender's aspirations, and continue to acknowledge the government of President Juárez, is of no importance to the partisans of the liberal interpretation of the constitution, but it is of great consequence to the people of Mexico, and for the success of the terrible war that is ending so gloriously.

First save the thing constituted—that is, the country, the nation, the republic; that is of the greatest importance.

Each day has its task. When the time comes for the election of a President of Mexico free and independent, then the venerable jurist who is fulfilling his daily duties as chief justice in the city of Mexico will be made regent during the interregnum of the country. It would be well for General Ortega to be at the head of victorious legions at that time, for I cannot think he is buried under the musty law tomes of his law library.

General Ortega, in the United States, is beyond reach of the case provided for in the constitution. Let a general have all the influence possible; let him be the head of a political party; but he is not that president of the supreme court to whom the constitution proposes to trust the executive power during an interregnum.

History has shown the troubles of regencies in war times, and the people of Mexico would be very unforeseeing to put such obstacles in the way of the present executive, embarrassing his action, only to comply with a simple rite of the constitution that could not provide for emergencies of such a serious nature as now exist.

If there be yet a doubt about the power of the executive to continue his functions during a congressional recess, or during the absence or resignation of the president of the judicial power, it is settled by the permanent nature of the office. Our constitution compels the annual meeting of the legislature. In some of the United States their sessions are biennial, and the English Parliament did not order to be convoked regularly, at least once every five years, but in the reign of James the Second. The executive power has other rules. In monarchies a successor is legally named for every emergency, and a regent is appointed by law. "The king never dies," (*mort le roy—vive le roy*), is the traditional formula to show that executive action never ceases for a moment. Republics provide for possible emergencies by naming a vice-president, or, in default of him, presidents of the senate or persons designated by other constitutions, succeed to the presidency.

In the present case, where there is no death, resignation, or inability of the incumbent, and when no election can take place, no real interest of society requires a change of administration that might weaken the mere military power of the executive. On the other hand, all precepts of the constitution for ordinary cases ought to rest in abeyance, so as not to endanger the safety of the nation, which is of the most importance.

I will conclude by calling your attention to the pernicious effects of those differences from the practices of all other nations. That precept of the constitution that calls the president of the supreme court to succeed the chief executive has not done the good that was expected; for, instead of an impartial judge, we find in the place a general with titles, antecedents, and political designs; and that certainly was not intended by the constitution. My opinion is, the best thing that can be done to provide for future events will be to suppress the *interrex*, and create a vice-president.

With my wishes for the prosperity of Mexico and your own happiness, I remain, with sentiments of particular esteem, your very obedient servant and friend.

D. F. SARMIENTO.

Mr. MATIAS ROMERO,
*Envoy Extraordinary and Minister
Plenipotentiary of Mexico, in Washington.*

No. 8.

WASHINGTON, November 21, 1866.

MY DEAR SIR: I had the honor to-day to receive your acceptable letter of the 16th instant, in which you express in writing, agreeably to my request, the opinion you gave me verbally in your visit to me on the 12th, in regard to the expediency and legality of the decrees issued by the President of the Mexican republic, on the 8th of November, 1865, prolonging his presidential term till a new election can take place.

As your opinion is that of a distinguished South American statesman of acknowledged information and sound sense, who can have no low interest, or any other reason but the success of the American cause in general, it cannot fail to have a good effect upon persons outside of Mexico not acquainted with the subject, and will remove some doubts concerning the pretended rights of General Ortega to the presidency of the Mexican republic. I say on persons outside of Mexico, because inside of the republic the opinion is unanimously in favor of the expediency and necessity of those decrees and considers the conduct of General Ortega as unpatriotic and seditious. It is a fact that no authorized voice in Mexico has been raised against the decrees, and it is now more than a year since they were issued. No military chieftain has regarded them as unconstitutional; only a few discontented fugitives from the country in time of foreign war, and residing in the United States, support General Ortega's pretensions.

I send a copy of your letter this day to my government, and also to the State Department of the United States of America.

I remain, sir, your most obsequious friend and obedient servant,

M. ROMERO.

Don DOMINGO F. SARMIENTO,
*Envoy Extraordinary and Minister Plenipotentiary
of the Argentine Republic, New York.*

Señor Romero to Mr. Seward.

[Translation.]

WASHINGTON, November 22, 1866.

MY DEAR SIR: I enclose you for your information the copy of a communication from Don Martin de Castillo, the so-called minister of foreign affairs and marine of Maximilian, written by him from Turin, the 6th instant, giving the views of public opinion in Europe in regard to his permanency in Mexico, and how much this is desired, "as much for the national and commercial interests of the moment, as for political equilibrium in the New World, so as to confine a certain nation to limits, in order to prevent its gigantic development in future."

I am, sir, very respectfully, your obedient servant,

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Letter from Señor Castillo in Turin to Maximilian in Mexico.

TURIN, November 6, 1866.

SIRE: I present your majesty my most respectful thanks for the royal letters of the 20th September, with which you have deigned to honor me, and inform you that the health of my august sovereign is visibly improving, which is gratifying to us, and gives us hopes of her speedy recovery. The information must have caused your majesty some anxiety. May the Lord's will be done.

It gave much pleasure to read your majesty's speech at the anniversary of independence, in the paper you deigned to send me, which reached me some weeks ago, and renewed my hopes that your majesty would restore the nationality of the country, now suffering hard trials, in spite of the many obstacles in your way.

I think there is a slight favorable change in the European press, proceeding from the firmness and energy of your majesty in state affairs, and the recent reported triumphs of General Mejia.

Now it is thought the empire has sufficient elements to suppress the revolution, and considering the inclination and decided wish of the people around Matamoras for peace and order, and the spirit of unity that reigns in different classes of society, it is believed the throne can be sustained after the departure of the French troops, which is greatly desired in Europe, as much for national and commercial interests of the moment as for political equilibrium in the New World, so as to confine a certain nation to limits, in order to prevent its gigantic development in future.

Hoping the majority of Mexicans will sustain your majesty's noble efforts, and thus show their nation is not dead, and by their patriotism and energy gain a sympathy they need so much, we all look forward to a change for the better, after the French army leaves, which will give free action to the people, and allow them to recover from a crisis that may prove beneficial, instead of prejudicial.

I will attend faithfully to your orders about Prince Salvador de Iturbide, who, I think, had better continue his studies in England. Don Augustin must have gone to the United States, and I presume the rest of the family have gone too; I will inquire.

Your majesty will excuse me for being brief in this letter, as it is to be sent by unsafe means, and I am afraid it may be intercepted like one of Mr. Elol's.

Count Del Valle is still in Miramar. General Uraga left Trieste for Paris on the first, and Mr. Barrio and his lady are waiting your instructions in Vienna, as he wrote me on the second. As I cannot return as soon as I expected, I write to my brother to deliver to your secretary some documents that were left on my desk by Mr. Langlais, one of which is a sealed letter to Mr. Escandon, about the sum paid to France by Mexico for the Vera Cruz railway. In my humble opinion that affair ought to be thoroughly investigated, so that it be determined whether that considerable sum is to revert to the government, and Mr. Escandon relieved from its responsibility, or what is to be the result.

I leave to-morrow for Pisa, the mild climate of which is much recommended for the lungs, and it is only a few hours from Rome, via Livorno, where I will await your sovereign orders.

I beg your majesty to permit me to present my most respectful homage and gratitude, with which I have the honor to be your majesty's most humble and obedient servant,

M. DE CASTILLO,
Minister ad interim.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 25, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents mentioned in the annexed index, mostly taken from the official paper of the Mexican republic, and consisting chiefly of official reports of military operations in the western military division of the Mexican republic, from July to September of the present year.

It is with pleasure I avail myself of the present opportunity of renewing to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, in relation to operations on the western military line.

No.	Date.	Contents.
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1	June 23	General Rubi, governor of Sinaloa, transmits the official report of the battle of Yxcuintla.
2	July 18	The minister of war acknowledges the receipt of same.
3	June 30	Letter of General Pesquiera, governor of Sonora, to the consul of the republic in San Francisco, California, reporting his military movements in the months of May and June, 1866.
4	Aug. 14	General Martinez's official report of the capture of Hermosillo, in the State of Sonora.
5	Sept. 26	Minister of war's answer to same.
6	Sept. 2	Official report of the attack of Alamos.
7	Sept. 7	General Pesquiera's official report to the minister of war of the capture of Ures.
8	Oct. 5	Reply of the minister of war.
9	Sept. 14	Official report of General Corona, chief of the western army, of the battle of Palos Prietos, near Mazatlan.
10	Oct. 8	Reply of the minister of war.
11	Sept. 19	Correspondence from Mazatlan in regard to the situation on the western military line.
12	Sept. 21	Mazatlan correspondence on the same subject.

No. 1.

[From the government official paper, Chihuahua, July 20, 1866.]

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SINALOA.

The general-in-chief of the united brigades of Sinaloa and Jalisco reports as follows from that quarter:

"The citizen general, Perfecto Guzman, reports from Acaponeta on the 18th to these headquarters, as follows:

"By special orders from headquarters, I set out from Cacalotan on the 8th for Santiago Izcuintla, with my brigade and Colonel Donato Guerra's cavalry, trying to keep our movements secret from the enemy, who discovered us by means of his scouts.

"At 10 o'clock p. m. of the 13th I reached Arayan plain, where, in consultation with Colonel Donato Guerra, Colonel Juan de Dios Bojas, and Lieutenant Colonel Andres Blancarte, I determined to divide our attacking forces as follows: On the centre were the Huajicori battalion of Colonel Cipriano Segundó, and the independents of Celso Cosie; on the right was the section of Colonel Camilo Isiordia; and on the left, Colonel Florencio Pacheco, with a cavalry section. The second Huajicori battalion, under Colonel Eligio Alvarez, and the Ocampo squadron, under Colonel Jesus Arteaga, and the Guzman squadron, under Francisco Lora, were held as reserves. With the forces so distributed, and my orders given, I marched to Santiago on the 14th by 8 o'clock in the morning. I ordered the attack upon the centre. The enemy, under Agaton Martinez and José Zapia, was assaulted so rudely he gave way and left us masters of the field after half an hour's fight. On the evening of the same day the enemy assembled on the opposite side of the river more than one hundred cavalry, and crossed back at Palomas ford to attack me. I ordered Colonel Guerra out with two hundred cavalry to meet them; they took to flight, and were pursued two miles or more. The enemy lost thirty-one killed, among them an engineer and the commander of the place, both Frenchmen. Fifty prisoners, mostly natives, were captured; eight muskets, fourteen rifles, two sabres, three pistols, thirteen saddles, one hundred and two horses and fifteen mules were taken.

"On our side, Jesus Verdugo, second sergeant in the Ocampo squadron, was wounded. At night my men came into the town and remained three days, when we had to leave for want of provisions, coming to this place, where I am awaiting orders. I must commend to your consideration, chiefs, officers, and soldiers, for they all did their duty."

"All of which I have the honor to communicate to you, and congratulate you on this new triumph for republican arms."

I send you a copy of this for your own information, and that you may communicate it to the war department. And I transcribe it for you, citizen minister, for your intelligence.
Independence and liberty! Recodo, June 23, 1866.

DOMINGO RUBI.

F. SEPULVEDA, *Secretary.*

The MINISTER OF WAR AND MARINE, (wherever he may be.)

No. 2.

DEPARTMENT OF STATE—BUREAU OF WAR AND MARINE—SECTION FIRST.

In your despatch of the 23d of June last enclosing me the report of the general-in-chief of the united brigades of Sinaloa and Jalisco, of the same date, the President of the republic has had the pleasure to find a confirmation of the success of General Perfecto Guzman's expedition with Colonel Donato Guerra, against Lozada's gang. We are glad to hear the enemy was whipped in the first encounter on the 8th, and the town of Santiago Izcuintla captured; also, that he was badly repulsed on the second attack, with the loss of thirty-one killed, one an officer of the place, and another an engineer, and fifty prisoners taken, eight shot-guns, fourteen muskets, two sabres, three pistols, thirteen saddles, one hundred and two horses, and fifteen mules.

The citizen President is much pleased to learn the success of the expedition, and the gallant behavior of the officers and men, to whom he requests me to present his thanks.

Independence and liberty! Chihuahua, July 18, 1866.

MEJIA.

The GOVERNOR AND MILITARY COMMANDER,
of the State of Sinaloa, (wherever he may be.)

No. 3.

ALAMOS, June 30, 1866.

MUCH ESTEEMED FRIEND: I received your welcome letter of the 30th of May yesterday; it gave me the more pleasure, with the news in it, as it is the only one I have had from you since December, when you sent me the President's permission to visit your city. I wrote to you then that I could not come on account of a fever, which left me very weak, in spite of the active life I have led since March. I wrote to you also about the end of February, informing you I intended to take the field, but you say neither of the letters reached you.

I have heard of Mr. Gonzalez's aspirations, and the discredit he has brought upon himself by attempting to take the presidency from Mr. Juarez. He is so blind he cannot see how false and ridiculous his position is. The political career of Gonzalez Ortega and his adherents furnishes us another example of those anomalies so frequent in this transition period, when a new germ of life is budding for the republic. Such is my hope, and I know our ills will end, because I trust in the prudence and energy of our worthy President and his brave collaborators in the work of moral reorganization.

It would make this letter too long to tell you all that has occurred since I quit my asylum in the Territory of Arizona, and I will not trouble you with a detail of the causes that brought me to my present situation.

General Garcia Morales took the field four months before me, while I was sick, and did much good. Now conquering, then conquered, his constant activity did much to encourage the people of Sonora, who have never despaired of the country's safety. When I returned to the scene of action I found all disposed to join against the oppressors. If we seem slow in organizing our forces, it is because we are in want of arms that should have reached us long ago. However, I can say to you, we have got over the worst, and are now ready to give the traitors a finishing blow.

The forces of General Martinez, united with mine under the title of the united brigades of Sonora, Sinaloa, and Jalisco, attacked Alameda in Hermosillo with four hundred men. Taken in force on the 4th of May, we had to fight six hours against Langberg and Tanori, who came up with eight hundred men. It was a hard-fought battle, and fortune began to favor us, when a panic demoralized our forces, just at the time the enemy started for Alamo, five leagues from Hermosillo, with nobody to pursue him. I merely mention this to show you what an opportunity we have lost from a small circumstance.

The battle-field was entirely deserted, but it was too late to rally in pursuit. General Martinez and I remained in Hermosillo till midnight, with an escort of only fifty cavalry, waiting for re-enforcements; but both the cavalry and infantry were too far from the field of action in different directions, and so the enemy had time to return and occupy the place the next day. In Langberg's report of the 6th of May there was but one truth. He said, "Our

loss was considerable;" and he had a right to say so, for he lost more than half his forces in the two actions of the 4th.

Another expedition took place on the 5th of June on the same town, and as soon as our troops approached, the garrison disbanded, and left in our possession one rifled cannon, some provisions, and ninety muskets.

This was the time to have destroyed Tanori, who was present with all his forces, but fortune did not favor us this time either. The Indians routed a section of our forces under Alcontara, and thus frustrated our intentions. But the misfortune has only put us back a few months, when the enemy will have to be kept at bay by rangers.

Though the traitors have called upon the French in Guaymas to aid them, they have obtained no succor. They came out on the 29th of May with three hundred men to open the way, but finding we were ready for them they retreated to Cieneguita. But for that demonstration you would suppose the invaders did not care what became of their allies.

They are preparing to continue operations with more vigor, and I think we shall have an engagement by the end of next month, when I hope to have the pleasure to give you the news of the restoration of constitutional order in the whole State.

As ever, your affectionate friend and colleague,

I. PESQUIERA.

Señor Don JOSÉ ANTONIO GODOY,
Mexican Consul in San Francisco.

No. 4.

MEXICAN REPUBLIC—GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SONORA.

General Angel Martinez, major general of the united brigades of Sonora, Sinaloa, and Jalisco, on the 14th, reports as follows:

REPUBLICAN ARMY, UNITED BRIGADES—GENERAL'S QUARTERS.

I have the honor to report operations to you from the time we left Cumuripa till our occupation of this place. On the 23d ultimo the Sinaloa and Juarez defenders, with Colonel José T. Otero's forces, met in Cumuripa, and started next day to the Suaqui mines. We reached Tecuripa on the 25th. The Sonora battalion, under Otero, was sent from Suaqui to attack the traitor Arvallo in San Javier. A hard rain impeded his operations, and gave the enemy a chance to escape; he was pursued, and two prisoners were taken from Campos, who left his horse and escaped on foot. Colonel Otero accomplished this bold feat.

On the 27th we left Tecuripa and camped for the night at Cumbros. On the 29th we reached Adivius, and came to Matape by the 30th. From that place a message was sent to General Jesus Garcia Morales, ordering him forward with the forces he had. At Pitiquito we heard he had suffered a reverse, and of course could not come to Matape. By forced marches on the 12th and 13th we reached this city by your orders, where we surprised the garrison of 150 men, who ran off and left their guns in our possession.

We pursued the enemy and killed nine, and two wounded were sent to the hospital. It was the 13th when we occupied the place, and we got into quarters to-day. All preparation is made for the enemy, in case he returns to attack us.

The inhabitants welcomed us as their real deliverers, and you know our soldiers have done their duty as defenders of the honor and independence of our dear country.

I felicitate you cordially on the conclusion of a campaign that restores the legitimate State government in the principal city of Sonora.

Independence and liberty! Hermosillo, August 14, 1866.

ANGEL MARTINEZ.

The GENERAL-IN-CHIEF, *Present.*

In transmitting the above to you, I will add, that you may make it known to the President of the republic, that notwithstanding the sufferings of our soldiers, none have deserted, and all are cheerful; and the way in which the citizens offer their services to the government is the most conclusive proof of the hate the citizens have for the empire, except the traitors of Gandara.

Independence and liberty! Hermosillo, August 17, 1866.

IGNACIO PASQUIERA.
J. J. AVILA, *First Officer.*

The MINISTER OF WAR.

No. 5.

DEPARTMENT OF STATE, BRANCH OF THE WAR AND MARINE—SECTION FIRST.

The citizen President of the republic has had the pleasure of receiving your despatch of the 17th of August last, enclosing that of the 14th, from General Angel Martinez, reporting his operations from the 23d up to date, when he dispersed the traitor forces under Arvalo, and occupied Hermosillo on the 13th of August, surprising the garrison.

Independence and liberty! Chihuahua, September 26, 1866.

MEJIA.

General IGNACIO PESQUERA,

Governor and Military Commander of the State of Sonora, Hermosillo.

No. 6.

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF CHIHUAHUA—REPUBLICAN ARMY, MATAMORAS SECTION—COMMANDANT'S QUARTERS.

At half-past ten this day, the traitor José Tranquilino Almada, with 200 cavalry armed with sabres and muskets, and 400 foot rifles of Pimas and Yaquis, and 600 Jara Indians of Yaquis and Mayos, appeared on Crucecito hill, and threatened the town, garrisoned by 130 cavalry and 350 infantry, including my command. We instantly marched out to meet them at Aurora, where they had halted. Finding they were trying to surround the town, the commander divided us into three columns.

The enthusiasm of our soldiers amounted to frenzy, and in one hour of fierce combat a most glorious day was gained for the country. The enemy, frightened by the fury of our brave republicans, cowardly fled in every direction, leaving fourteen loads of ammunition, sixty-seven fire-arms, most of them fine French rifles, a few horses and lances, &c. We also found scattered arms and ammunition in the tents that have not yet been removed, and the correspondence of the traitor Almada, who escaped with his sons and six officers over the hills. They were pursued by our men, guided by one of Almada's deserters, and it is hoped he may be overtaken.

Sixty-seven killed of the enemy have been found on the battle-field, and thirteen out of twenty-one prisoners were shot. On our side, we regret the death of two of our cavalry, and nine men wounded, two of the Matamoras section. This explains the dead of the enemy for our soldiers.

All the chiefs, officers, and men engaged in this action behaved gallantly, and merit commendation; but I will confine myself to my own command, and say I am satisfied with all my officers and men, but particularly with citizens Edward Valenzuela, Martin Salido, Vicente S. Ampudia, and Jesus and Juan Salido, who came to us in the beginning of the action, and conducted themselves with exceeding bravery.

Please accept my congratulations, and felicitate the governor of the State on this triumph of the national arms over traitors, and commend the patriots of the canton for the part they took in the engagement.

Independence and liberty! Alamos, September 2, 1866.

JOSÉ M. BARBEITIA.

The CIVIL CHIEF of the Canton of Matamoras.

GUAZAPARES, September 6, 1866.

A true copy:

JOSÉ M. ZEA.

No. 7.

GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF SONORA.

General A. Martinez, major general of the united brigades, communicated to me yesterday the following report:

Ensign Epifanio Casanova, chief of our explorers, arrived at Rayon on the 2d instant with the news that a portion of the enemy's cavalry, numbering fifty, had fallen upon us at Noria de Aquilar, killing two out of the ten men there. Lieutenant Colonel Nicolas Gonzales was instantly sent out with cavalry in pursuit, joined by Santiago Valle.

On the 3d Nicolas Gonzales had a skirmish with the enemy that seemed to be going to Rayon. We instantly sallied out to meet him. He took the strong position at Huerta, and we encamped on a neighboring hill. Our cavalry soon joined us, leaving Captain Casildo Manjarez to watch the enemy two miles from us.

The Tepic lancers, under Captain Severiano Sanchez, came up the next day with twenty

men to watch the enemy. As our forces were not acquainted with the ground, the enemy intercepted the communication with us; but, after a slight skirmish, they got back safely to our camp.

The enemy was still at Huerta on the 4th, and to dislodge him we came to this place. Before arriving at Noria we caught an enemy's scout, who told us his force was 1,000 men of all arms, and four pieces of light artillery, commanded by the traitor Tanori. On the way we had notice that General Jesus G. Morales was about to join us with a small force of infantry and cavalry.

At Noria de Gandara we came up with the Sonora cavalry, under José Pesquera. Before reaching Bajadero three of the enemy's spies were captured, who told us that Langberg had just passed, with an escort of only fifteen men, going to join Tanori. He was pursued, but not taken. We halted a while at the Bajadero, and then went on to Guadalupe, to make it the base of our operations. The western brigades crossed the river at the ford to skirmish with the enemy; and the Sonora brigade, under Antonio Rincon, remained to wait for General Jesus G. Morales. We had hardly got to Santa Rita when Colonel Davalos informed us that Rincon told him the enemy, under Langberg and Tanori, had fallen upon him, and he was retreating. We soon heard the report of fire-arms, and the enemy soon made his appearance on an eminence in front of Santa Rita, his sharpshooters pursuing our cavalry. To protect our baggage I had it gathered on Santa Rita hill, and guarded by Colonel Miguel Silva. We then began our retreat in order, though much harassed by the enemy attacking us on all sides.

Under these circumstances I determined to risk a battle, and I sent Colonel Davalos with his Sonora defenders and hunters to secure a retreat. In our retreat two of our wagons stuck in the mud and could not be got out, and a wounded man in one of them was killed by the enemy. This incident made the traitors think our forces demoralized and in full retreat.

The Sonora cavalry of José Pesquera was not in the action, because it was called off on other duty.

The western cavalry brigade came upon the town by the Paso de Aguilar, and went on to Guadalupe, where the roar of cannon indicated the battle that was going on. The enemy was attacking the hunters, who defended themselves bravely. The first Sonora battalion, under Prospero Salazar, formed on our right to protect our flank passage. All this was done while the battle was going on. The enemy began by charging our right flank, and was beaten back to his original position by the Sonora battalion. We were now opportunely reinforced by the second Sonora battalion, under Tiburcio Otero. I ordered the hunters to attack two pieces of artillery of the enemy. It was done successfully, and the enemy was repulsed in every direction. Our cavalry charged his left flank and routed it. Captain Fuentes, with a few men, took one of the pieces of artillery and two prisoners. The other piece of artillery was left on the field. Langberg, chief of the traitors, was killed in the fight.

I then headed the cavalry to prevent the enemy from finding refuge in this city, and was successful in my attempt.

The behavior of our men was admirable; our artillery was well managed and did good service. The enemy, of more than 1,000 men, was routed by 500 of ours, as many of our men could not participate.

On the 5th we struck our tents and took possession of Guadalupe, where we remained till the night of the fourth. We had ten killed and eighteen wounded. The enemy had forty-two killed and many wounded, escaping to the mountains.

On the morning of the fifth, the first and second Sonora and Juarez battalions, with two pieces of artillery, under Colonel Adolfo Alcantara, left Guadalupe and joined me the next day.

We now determined to advance on the city, where there was a garrison of 300 men under Teran y Barrios. We afterwards learned that Teran, Arvallo, and Tanori, overcome by fear, had taken to flight; so the imperialist band in Sonora evaporated like smoke from pure fright.

An order for surrender was sent in, without humiliating conditions, but was refused, and at one o'clock the siege was begun.

General Jesus G. Morales now came up with seventy men, and was received by shouts from us. He said he had shot Pioquinto Griego, one of the imperial partisans.

The Gonzales battalion, under Salva, assaulted one of the forts, took it, and gained a piece of artillery. He then marched on to another, but was unfortunately killed, with Colonel Rochin; Captain Joaquin Fuentes was badly wounded, as well as the second adjutant, Salvador Alvarez. Antonio Slaues and Roman Ruisanchez were killed at the same time. They were common soldiers.

The next attack was on the fort called La Correccion by the second Sonora battalion under Otero, and the first under Colonel Salazar; Colonels Davalos and Alcantara were to direct operations around the place. At this stage the enemy quit the Correccion and fired as he left, wounding Major Jesus Chaves.

At one o'clock in the morning the enemy left in complete confusion. Those defending the Correccion were double traitors, because they left eighty men on the parapet, and they were captured; they also left three pieces of artillery, their ammunition, and one hundred mules.

The enemy had forty killed, and lost one hundred and sixty prisoners. There were four foreigners among the killed.

The morning of the sixth dawned to find no imperialists in the town. The capture of Ures cost us no great loss, but the lives of some valuable men, mostly belonging to the battalion of cazadores. I congratulate you on this extermination of the so-called imperial government in this State.

I do not mean to say we are done, but the hardest work is over, and we may soon hope for a general peace in this State.

Independence and liberty! Ures, September 7, 1866.

ANGEL MARTINEZ.

The GENERAL-IN-CHIEF, *Present*.

In having the honor to transmit this to your department, for the information of the President of the republic, I must say the officers and men of the united brigades behaved gallantly, and made themselves worthy the consideration of the government of the republic and the gratitude of the people of Sonora. I cannot particularize persons, because many were prevented from taking part in the combat.

Independence and liberty! Ures, September 8, 1866.

I. PESQUIERA.

J. F. AVILA, *Chief Officer*.

The WAR DEPARTMENT, in Chihuahua.

No. 8.

DEPARTMENT OF STATE, BRANCH OF WAR AND MARINE—SECTION FIRST.

The citizen President of the republic has heard of the operations communicated in General Angel Martinez's despatch of the 7th, and sent to me on the 8th. He is pleased to hear of the defeat of Tanori and Langberg and the death of the latter, as well as the capture of the city. The conduct of the chiefs, officers, and men who took part in the action is duly appreciated by the supreme magistrate of the nation, and the importance of the triumph will tend to drive the traitors out of the State, and, perhaps, frighten them out of the republic.

Independence and liberty! Chihuahua, October 5, 1866.

MEJIA.

General IGNACIO PESQUIERA, *Governor and Military Commander of the State of Sonora, at Ures, (or wherever he may be.)*

No. 9.

MEXICAN REPUBLIC—ARMY OF THE WEST—QUARTERS OF THE GENERAL-IN-CHIEF.

In order to beat the garrison of Palos Prietos, an outpost of Mazatlan, one mile distant, a few days ago I sent riflemen from the line of Urias and Piedra to harass the enemy at night in his position, so that, getting used to that system, he would become careless and suffer himself to be surprised. For that purpose I set out from Unionville, on the 10th, with 1st and 2d infantry brigades, a part of the 4th, and some of the 5th and 6th cavalry.

The bad state of the roads, caused by hard rains, deranged the preconceived combination, and I determined to wait a day longer, covering my plan by shooting towards the town. At 2 o'clock on the morning of the 12th I sent a column of infantry, under General Domingo Rubi, with five pieces of mountain artillery and ammunition for it, to wait as a reserve. I then ordered another infantry column, under General Ascencion Correa, with the cavalry of Colonel E. Parra, to take a position between the port and Palos Prietos. Another infantry column, under General Manuel Marquez, was commanded to attack the front and right flank of the enemy in his fortified position. All these commands were faithfully executed, and the principal entrance of Palos Prietos was attacked by bayonets in the hands of the valiant soldiers of the above-named column.

The rough ground, the darkness of the night, and the perfect knowledge the defenders had of their position, allowed all not killed to escape. Over 150 killed were found upon the battle-field. On our side were 27 killed and 67 wounded. Among those killed was Commander Legaspi, and other worthy officers, who perished gloriously mounting the enemy's parapets. I will send their names and those of the men killed, in a separate paper, as soon as the proper information is obtained.

I waited here for the enemy till convinced he would not come out, because expected aid had not arrived: and knowing the gunboats would open upon us as soon as it was day. I retired a short distance, leaving colonel Francis Tolentino to watch the enemy. He would not venture out of his trenches, but plied his artillery vainly upon us. Thinking if I retreated he would follow me, I ordered my forces to quarter at Venadillo, Higueras, and Urias.

My Correa column was in the rear, and 70 Africans attacked it, till 100 Jalisco cavalry and 80 liberty guides came up to its aid. The former was commanded by Colonel Simon Gutierrez, the latter by Colonel L. Pintado. The enemy fled before them, leaving 17 killed and one commandant and 17 Arab horses in our possession. On this account we may be assured the enemy lost, in killed and wounded, 200 men, mostly French, without counting one officer and 20 men, mounted and armed, that came over to the republican side, bringing five traitors and one French sutler as prisoners, the last of which was shot by them. The enemy is badly demoralized; so much so I think they will evacuate the port, for they seem to be making preparations now.

As the French and traitors did not return in force to occupy Palos Prietos, I ordered it to be garrisoned by some troops from this army corps, withdrawing the rest to their former positions.

This I communicate to you for the information of the supreme magistrate of the nation. Independence and liberty! Villa de Union, September 14, 1866.

RAMON CARONA.

The MINISTER OF WAR AND MARINE, in Chihuahua.

No. 10.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

The citizen President of the republic has received, with the greatest satisfaction, your despatch of the 14th to me, communicating the news of the glorious victory of the 12th, at Palos Prietas, one mile from Mazatlan, killing over 150 of the enemy dead on the field, besides 18 cavalry that charged on the rear of the Degollado battalion, which was retiring to its quarters at Venadillo, Higueras, and Urias, as you ordered, with the hope of attacking the enemy again in the same fort, if he came back; but seeing that he did not, on the other hand, concentrate along the line of the fort, you ordered the troops of this army corps to occupy the fort permanently, and the rest to retire to their former positions.

Independence and liberty! Chihuahua, October 8, 1866.

MEJIA.

General RAMON CORONA,
Chief of the Western Army Corps, at Villa de Union.

No. 11.

MAZATLAN, MEXICO, September 19, 1866.

Since my last, matters in Sinaloa have been much the same as at my previous dates, Corona annoying the French in every way possible. From his batteries on Holderness island he easily threw shells into the town, which have done some little damage. To drive him from the Garita, the French troops were sent to occupy Palos Prietas, and Corona fell back to the Presidio. On the 11th instant, however, the Mexicans surrounded the imperialists, drove them from their garrison, captured two guns, and held the works until the French were re-enforced from this city.

In this battle, the most severe engagement they have yet had, the French lost 150 killed and wounded; the imperial Mexicans admit their loss to be 300; and it is said that Corona lost 250. After being so roughly handled, Palos Prietas was evacuated by the French, who retired to their fortification at Mazatlan.

The Continental arrived to-day from Guaymas, bringing some important news from Sonora, which I give as I had it from a passenger:

OCCUPATION OF HERMOSILLO.

General Pesquiera occupied Hermosillo about the middle of August, where he was enthusiastically received. Colonel Fister, commanding the French at Guaymas, left that city with his entire force on the 18th ultimo, to join Lanberg and Tanori, and drive Pesquiera from Hermosillo. The heat was intense, and he lost several men by sun-stroke during the march. On his arrival at Hermosillo, on the 24th, he found that Pesquiera had left the day previous, with many wagons loaded with supplies, &c. Lanberg and Tanori did not care to act in concert with the French, thinking the liberals were too strong to admit of an attack. The entire failure of the expedition from Guaymas, the loss of his men, and care and anxiety had so depressed Colonel Fister that he put a pistol ball through his head to end his misery and disgrace. Colonel Fister had been for some time in command of the French troops at Guaymas, and his gentlemanly conduct and conciliatory bearing had won him the esteem of every one.

LIBERAL SUCCESSES.—CAPTURE OF URES.

About the first of the month, General Martinez, of the liberal forces, marched to attack Ures, which was defended by Generals Lanberg and Tanori, the Yaqui Indians, who have of late been so successful in their battles.

The principal fight took place on the 4th instant, at Guadalupe, a small town some eight leagues from Ures. It was very severely contested, but ended in the utter defeat and rout of the imperialists. Lanberg was killed, and Tanori escaped to Guaymas, where he arrived on the 10th, with about half a dozen men. It is said that when the death of Lanberg was reported to Martinez he discredited it, whereupon a Mexican soon rode up, dragging the body of the unfortunate general with his riata. The body was afterwards hung to a tree and death threatened any person who should cut it down. The same day Martinez moved on to Ures, which was garrisoned by some three hundred men, who, ignorant of the fight at Guadalupe, gave battle, and were utterly cut to pieces. No quarter was given, and the place was sacked by the soldiers.

EVACUATION OF GUAYMAS.

On the 11th instant, notice was given that Guaymas would be evacuated on the 13th, and that those of the inhabitants would be taken who chose to go. At the same time, a fearful picture was drawn of the destruction of life and property that would ensue on the arrival of the liberals.

Many of the poor people fled the place, and all of the French merchants took refuge on board the ships of war. On the 13th, the transport Rhin and another vessel sailed, crowded with troops and passengers. Before leaving, however, the French filled several boats with arms and ammunition for the Yaqui Indians, telling them that after their departure the city would be at their (the Yaqui's) mercy, and that there was plenty of booty in it for them. The utmost consternation prevailed when the dastardly act was known in the city. The Americans placed themselves under the orders of Consul Conner, a home-guard was organized, and every precaution taken against surprise.

The house of the consul was crowded with people seeking protection, and his warehouses were filled with merchandise and personal effects. On the evening of the 14th instant the city was illuminated, and on the morning of the 15th nearly half the houses were decorated with American flags. That same day, at 9 o'clock in the morning, General Martinez entered the city with a small body of cavalry—the greater portion of his force having been sent to clean out the Yaqui Indians. Soon after his arrival he took formal possession of the Plaza, and issued a proclamation guaranteeing protection in their persons and property to all who remained quietly at home, and denouncing in strong terms the misrepresentations made by the French on their departure. Wonderful to relate, an American man-of-war was in the harbor—the Saranac having that morning arrived. When people were told of it, they would not credit it. "Tell us," said they, "that a man-of-war is here to protect us!" But really, is it not strange, that with all the American interest at stake in Sonora and Sinaloa, and Lower California, we have had no vessels here to look out for us? There are enough on the coast, but the commanders find Panama and Acapulco, where they can get New York and San Francisco papers three times a month, in more need of their presence than we are. "That's what's the matter."

No. 12.

EVACUATION OF GUAYMAS.

MAZATLAN, September 21, 1866.

In giving you the news from this place I can only mention one or two occurrences that I could flatter myself would, in the least degree, interest your numerous readers. First and most important is the evacuation of Guaymas by the French and imperial forces, which took place on the 12th instant, and the place was immediately occupied by the liberal forces.

Corona's movements.—Next on the tapis comes the attack of Corona on the advanced positions of this place, which took place on the night of the 11th or morning of the 12th, at 2½ a. m., by Corona advancing at the head of four thousand men to within a quarter of a mile of Palos Prietas (a fortified palisade, about two miles from the Plaza,) and, under cover of the darkness, throwing about seven hundred men, under command of Colonels Grenados and Martinez, in the rear of the fort, thereby cutting off communication with the town, and at three o'clock a. m. a simultaneous attack was made on the rear, side and front of the south wing of the position, which, after three charges, was entered from the rear, Grenados taking one piece of artillery and gaining possession of the imperial magazine.

At this critical moment for the small garrison, (commanded by Captain Delatask and composed of one hundred and eighty French and Mexican troops,) Captain Delatask called for volunteers to retake the piece, when Lieutenant Maire of the sixty-second French regiment, at the head of forty men, advanced to the charge at the point of the bayonet, and

succeeded in reaching the cannon and cutting down those loading it, but he encountered so deadly a fire from all sides that he was compelled to retire; but as it was life or death to the garrison, he again rallied, and, at the head of twenty-five men, succeeded this time in taking the piece and turning it on the enemy, when two companies from the north side being ordered to re-enforce him, they succeeded in clearing the works and steadily maintained their position, and keeping up a rapid discharge of musketry until re-enforcements under Commander Robiero reached them from the city, (who had to fight their way to the place through the liberal forces there stationed, and did not reach their hotly pressed comrades until after four o'clock a. m.,) when the garrison continued to hold the enemy in check until the battalion of Cazadores and cavalry arrived and a general advance was made, driving the liberals back, and at ten o'clock all was over save random shooting.

The utmost bravery is said to have been exhibited by both sides. Captain Delatask is highly spoken of for his coolness and bravery during so trying a time, keeping back by a handful of determined soldiers such a superior force. Lieutenant Maire is now enjoying the praise of all for his daring feats in facing almost certain death for the preservation of the garrison. Colonel Grenados, of the attacking party, is said to have had three horses and a mule killed under him, and several bullets pierced his clothing and beard, but he received no wound—a strange occurrence, as it is said of him he never was in a battle before without receiving from one to a half dozen. In the advance of the imperial troops in the morning, the chasseurs d'Afrique, with their fine Arabians, were drawn into an ambuscade and were roughly handled, losing some very valuable horses and a good many men. Alonzo Ridley, an American, received a commission as captain in the imperial service, on the field of battle.

After the battle.—The sight which met the eye of the beholder after the fight was horrible beyond description, most of the dead having been killed by the bayonet, sword, or machetas of the contending parties, and gave evidence with what desperation the defence had been made, when only massacre stared them in the face.

Miscellaneous.—News from Guaymas gives account of the killing of General Lanberg, of the imperial army.

City of Mexico papers announce the death of Frank Mullen, (an ex officer of the confederate army, and since in command of Contra Guerrillas with Mejia.) at Cordova, of fever.

Many are looking forward to the evacuation of this place by the imperialists, but considerable doubt is expressed as to it since the news of President Johnson's proclamation in regard to blockading, and it is now thought by many that it will be held until the final evacuation of the country by the French.

No. 13.

CONSULATE OF THE UNITED STATES, *Guaymas, September 11, 1866.*

SIR: I have the honor to inform you that the evacuation of this port and the State of Sonora by the French squadron and land forces will take place on the 14th instant. I have been officially informed of this fact by the admiral in command. The preparations for embarkation which have been going on for a few days, and the fact of the withdrawal of these forces, have created a panic among the population, both native and foreign, and, in consequence, the steamer which leaves on the 13th for Mazatlan and San Francisco will be crowded beyond her capacity. The French portion of the community, and Mexicans who have been compromised, or who have given support to the empire, are making every exertion to escape the almost certain retribution which awaits them at the hands of the incoming liberals. The merchants and respectable families not compromised in these political difficulties, apprehending danger from the lower classes during the interim of the withdrawal of the French troops and the entering of the liberal forces, have sought the protection of this consulate, as no one here appeared to be able to suggest or move in a plan to protect the place from rapine or murder. I informed the admiral and the commander of the place that I would communicate the fact and the time of the withdrawal of the troops of General Pesquiera, chief of the liberal forces of the State, in order that he might be ready to take possession immediately, and thereby guarantee order and security. With the approval of these officers I have despatched a messenger to General Pesquiera with this information and with an appeal to his generosity in behalf of those who are threatened with ruin, and who are now preparing to flee the country. I trust his answer will be conciliatory and humane. The knowledge of the fact of my having communicated with Pesquiera has restored quiet to the place, and many hope yet to be able to remain in their homes. The steamer for San Francisco will leave on the 13th, when I may be able to report the city quiet again in the possession of the officers of the constitutional government.

I have the honor to be, very respectfully, your obedient servant,

EDWARD CONNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, November 27, 1866.

MR. SECRETARY: I have the honor to transmit to you, for the information of the government of the United States, the documents mentioned in the annexed index, mostly taken from the official paper of the government of the Mexican republic, and containing chiefly official reports of military operations in the northern military division of the Mexican republic, from June to September of the present year.

I avail myself of this favorable occasion to repeat to you, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Index of documents sent by the Mexican legation in Washington to the Department of State of the United States, with the note of this date, relating to the military operations of the northern army of the Mexican republic from June to September, 1866.

No.	Date.	Contents.
	1866.	
1	June 29	Official report of General Escobedo to the minister of war, in relation to the capitulation of Matamoras made between General Carvajal and Tomas Mejia.
2	June 25	Opinion of the quartermaster general of the army of the north on said capitulation.
3	June 23	Text of the capitulation.
4	Aug. 4	The minister of war to General Escobedo, informing him that the government disapproves of the capitulation agreed upon between General Carvajal and Don Tomas Mejia, and ordering General Carvajal to be tried by court-martial.
5	Aug. 7	The appointment of General Tapia as governor of the State of Tamaulipas.
6	Aug. 26	General Tapia to the minister of war, accepting the office.
7	Aug. 12	An act drawn up in Matamoras rejecting General Carvajal as governor and making Colonel Canales governor for the time being.
8	Aug. 13	Proclamation of Colonel Canales.
9	Sept. 12	The minister of war informs General Tapia that the government disapproves of the events that occurred in Matamoras on the 12th.
10	Aug. 13	Colonel Canales to the minister of relations, communicating to him all that happened in Matamoras on the day of the 12th.
11	Oct. 2	Reply of the minister of relations to the preceding.
12	Aug. 13	Colonel Canales communicates the events of the 12th to the minister of war.
13	Oct. 2	The minister of war's reply to Colonel Canales's note.
14	Aug. 13	Colonel Canales communicates the capitulation of Tampico to the minister of war.
15	Aug. 7	Text of the capitulation.
16	Oct. 2	The minister of war informs the governor of Tamaulipas that the capitulation is approved, with certain restrictions.
17	Aug. 22	Tampico correspondence, giving details of the political situation of that port.
18	Aug. 8	Official report of General Arce on the occupation of the city of Nazas, in the State of Durango.
19	Aug. 16	Reply of the minister of war to the above despatch.
20	Aug. 5	Official report of General Escobedo to the minister of war on the occupation of the cities of Monterey and Saltillo by the forces under his command.
21	Aug. 23	The minister of war's reply to the above despatch.
22	Aug. 8	General Escobedo's proclamation.
23	Aug. 8	Official report of General Viesca on the occupation of the city of Saltillo, the capital of the State of Coahuila.
24	Aug. 21	Reply of the minister of war.
25	Aug. 8	Letter of General Viesca to the President of the republic, on the submission of the traitors Quiroga and Campos.

No. 1.

MEXICAN REPUBLIC—NORTHERN ARMY CORPS.

By the enclosed documents you will hear of the capitulation of the traitor Tomas Mejia to General Juan José de la Garza, and the terms of the same, together with the remarks of the quartermaster general of the army under my command on that subject.

When I reached this place, citizen minister, I could have annulled the stipulations between the traitor Mejia and General Garza, as the latter had no power to negotiate with a traitor who had done so much harm to the nation; but I wanted to confine myself to the chief duty of making war on the enemies of my country, and for that reason I wrote to the governor general that I was displeased with the act, for General Garza and Carvajal came from abroad to Mexico, and had no right to let Mejia off, helping him away and securing him from danger; therefore I protest, in the name of the army of the north and of the supreme government, against the offence.

If General Garza and Carvajal had not contributed to Mejia's evasion, he might have got away alone, without a soldier, for I was marching upon the town; now he can go on with the war, and the blood of our soldiers, shed on the battle-field in defence of their country, will be sterile in its results. In fine, citizen minister, when the traitor Mejia was in a bad fix, after the glorious victory of Santa Gertrudis, two Mexican generals living in the United States of the north, went over into Mexico and assisted him to get away. Let me call your particular attention to this fact, and ask you to make it known to the President of the republic that he may decide upon it.

Independence and liberty! Port of Matamoras, June 29, 1866.

M. ESCOBEDO.

The MINISTER OF WAR AND MARINE
of the Mexican Republic, (wherever he may be.)

No. 2.

MEXICAN REPUBLIC, ARMY CORPS OF THE NORTH—GENERAL-IN-CHIEF.

General Santiago Tapia, quartermaster of the army of the north, reports to me on the 25th as follows:

"Remarks on the terms of capitulation between General Juan José de la Garza and the traitor Mejia, addressed by the quartermaster of the army of the north to the general-in-chief of the same.

"CITIZEN GENERAL: The undersigned, believing it to be of great importance for the political future of the country—the capitulation made by the traitor Mejia to General Juan J. de la Garza—has reflected upon it seriously, and taking it in a military point of view as well as political, patriotic, and humanitarian, expresses his opinion, supported by the justice and testimony of his own conscience, regretting that his limited capacity does not allow him to do full justice to the subject.

"The citizen General Garza, in communicating with the enemy, did not act according to the precepts of military law, for he was in a foreign country without forces to threaten Matamoras, and was in no condition where the laws of war permit a capitulation like this which we are discussing. Moreover, as your army was near the before-mentioned place and had just gained a victory, and was on the way with ample elements to destroy the enemy that garrisoned Matamoras, and as the affair of Santa Gertrudis had caused a panic, and the enemy was far from aid, among hostile people, and did not even trust their officers and chiefs, it was General Garza's duty to let you decide upon the proposals made by the traitor Mejia.

"It is certain the place could have been occupied without conditions, for I am sure you would not have compromised with the traitors, but would have executed our laws upon them.

"Considering these circumstances, the citizen General Garza ought not to have interfered, but should have delivered the enemy up to the chiefs who are sustaining the rights of their country by force of arms. Now, taking into consideration the power citizen General Garza was supposed to have to act in the manner he did, it may be observed he forgot in a lamentable manner that General Carvajal, being abroad, had no rights of any kind in the political or military affairs of our country, and therefore could not legally accept any obligation, or assent to any act that did not benefit the country.

"If those citizens had wanted to do a positive service to the country, they might have collected what forces they could around Matamoras, and annoyed the enemy, even at a distance, and prevented his escape by land. But instead of that, General Garza allowed Mejia to triumph unexpectedly by getting off with his troops, arms, and ammunition; and so the traitor escaped, and will probably go to Maximilian and make him believe it was by strategy he got away, instead of by an error of General Garza and his aids.

"In this case positive advantages were sacrificed for the pleasure of holding Matamoras a few days, greatly to the national injury; and Garza violated the laws of war by granting honors to traitors that should only be granted to loyal and worthy enemies. I will not analyze General Garza's conduct in hastening the capitulation mentioned, because I think him incapable of wishing to appropriate to himself the honors of a victory gained by others, and where he was not even present; but I regret his treatment of an enemy undeserving the rights of war.

"The political aspect of the capitulation contains ruinous principles, those of leaving criminals unpunished, when the laws of the country are strictly applicable to the traitorous offenders.

"The pardon of Mejia will encourage traitors and destroy all political morality, and hereafter any one may trample on the laws with impunity. If traitors are thus permitted to treat with loyal leaders—and all adherents of the empire are traitors—it establishes a fatal precedent that will do great injury to the country, leave traitors unpunished, and allow any one to scoff at national justice.

"It is demonstrated that in wars like the one we are now waging all nations adopt a fixed policy towards foreign enemies and invaders and traitors who aid them; and these principles or that policy have not been observed in Mejia's capitulation, for he and his contemptible adherents ought to have forfeited their lives upon the scaffold. The enemies of our country attribute to the republican party all sorts of mean aspirations, and say we are acting to gratify exaggerated passion; but does such lenity prove it? Fortunately for the good name of Mexico, frequent acts of abnegation and endurance, united to the greatest unselfishness, and sacrifices of large fortunes as well as private interests dear to the heart of man, have been offered as a holocaust by our brothers upon the altars of the country, and they refute all those truthless and undeserved assertions.

"Reflecting on the strange way in which Matamoras was occupied, I have sometimes thought the authors of the plan believed they were acting humanely in compromising with the traitors and not shedding their blood when they were in a very perilous position, not considering that Mejia, with those resources in his hands, now with perfect liberty to use them by virtue of the treaty of capitulation, may cause the ruin of numberless families; for his ferocious nature will impel him to dash upon the friends of those who spared his life with more bitterness than ever; and in a few days he will begin operations in the direction of Tampico, on the forces of the patriotic Colonel Ascencion Gomez, and then the nation, the mothers, widows, and orphans who are mourning the loss of dear relatives and cherished friends, will curse those who are trully to blame for the calamities.

"I have here given my opinion with the frankness that characterizes me, and in compliance with my duty on accepting the place of quartermaster of your army to be useful to my country in every way, and to speak to you loyally whenever circumstances require it, and when my silence might compromise me before my fellow-citizens. Therefore it is my duty, as general of the republic and quartermaster of this army, to say to you that I deem the honor of the nation insulted if you do not protest against and make void the strange and pernicious capitulation made by General Garza and others, since it benefited Mejia and not Mexico, helping the traitors, and thus criminating themselves as aiders and abettors of treason, that threatens to overthrow our national independence.

"To prevent the republic and other nations that regard us from supposing us to be accomplices, through false prudence, of a crime that tarnishes the honor of the country, violates the laws and encourages our enemies, forgetting or disregarding the respect due to the supreme authority, we ought, with all the energy of reason, justice, and right, protest, as I recommended you, against the said capitulation. Notwithstanding the reasons I have given, on examining them, I am sure you will act as your political conscience dictates, directed by the responsibility that hangs over you as general-in-chief of an army corps in the field, and in accordance with the general ordinances of that army.

"Independence and liberty! Matamoras, June 25, 1866.

"SANTIAGO TAPIA."

This I communicate to you for your information and communication to the citizen President of the republic.

Independence and liberty! Port of Matamoras, June 29, 1866.

M. ESCOBEDO.

The MINISTER OF WAR AND MARINE

of the Mexican Republic, (wherever he may be.)

No. 3.

MEXICAN REPUBLIC—NORTHERN ARMY CORPS—SEAL.

In the heroic city of Matamoras, on June 22, 1866, appeared General Don Tomas Mejia, on the one part, and the city commissioners, Messrs. Augustin Menchaca, Juan Prado and Antonio de la Garza Chapá, and on the other, General Juan José de la Garza, authorized by

the governor of Tamaulipas, General José M. J. Carvajal, to treat about the surrender of the town, under certain conditions, who agreed upon the basis contained in the following articles :

ARTICLE 1. General Mejia delivers the town of Matamoras, within forty-eight hours, to General Juan José de la Garza, chief of the Tamaulipas division, now operating on Matamoras.

ARTICLE 2. The reception of the town will be in accordance with the usual formalities, and in respect to the condition of the forces, armament, &c.

ARTICLE 3. General Mejia is allowed to withdraw the rest of his division, with arms and two rounds for each man, on the Bagdad road, without molestation by the liberal forces.

ARTICLE 4. The inhabitants shall be guaranteed in their lives, property, and general interests, without prosecution, directly or indirectly, or molestation for former political opinions or conduct.

ARTICLE 5. The State government reserves the right of trying the principal persons whose conduct needs investigation for public vindication.

And as proof, and for subsequent effect, the present is signed in duplicate.

TOMAS MEJIA.

JUAN PRADO.

AUGUSTIN MENCHACA.

ANTONIO DE LA GARZA CHAPA.

JUAN JOSÉ DE LA GARZA.

HEADQUARTERS AT RANCHITO, *June 23, 1866—3 a. m.*

I ratify the above.

CARVAJAL.

RANCHITO, *June 23, 1866.*

A certified copy of the original.

EMILIO VELASCO, *Secretary.*

MATAMORAS, *June 29, 1866.*

I certify to this copy.

F. C. DORIA, *Secretary.*

No. 4.

DEPARTMENT OF STATE—OFFICE OF WAR AND MARINE—SECTION FIRST.

With this date, I say to the citizen general of division, José M. J. Carvajal, governor and military commander of the State of Tamaulipas, as follows:

"In a communication from the citizen general-in-chief of the northern army corps, dated at Matamoras the 29th June, to which is annexed a copy of the capitulation made by you, through your commissioner, Juan José de la Garza, with Tomas Mejia, chief of the garrison of that town, the citizen President of the republic has learned that when the enemy was routed at Santa Gertrudis, and all alive were taken prisoners, leaving their artillery in our hands, with the arms, ammunition, and a quantity of goods, to the terror of the small garrison of Matamoras, on which the victorious forces were marching, you, just arrived in Tamaulipas from the United States, instead of collecting troops to prevent the escape of the traitors, entered into negotiations with them and helped them to escape with the honors of war, and giving them guarantees that only the supreme government could grant.

"The citizen President cannot understand the reason you had for acting in that manner, making a treaty with the enemy when you had no forces to compel him to it, and General Escobedo was advancing on Matamoras by forced marches.

"Therefore it has been determined to decree as follows:

"First. The capitulation made by you on the 22d of June, through your commissioner, Juan José de la Garza, with Don Tomas Mejia, chief of the Matamoras garrison, is hereby declared null and of no force, because those who made it on the part of the republican government had not the proper authority.

"Second. Therefore, both you and Juan José de la Garza, who are responsible for the act, shall be subject to trial, you answering for the capitulation, and Juan José de la Garza, in part for same, and for other misconduct during this war, which I communicate to you by order of the citizen President for your information, and that you may issue the necessary orders for the execution of the above decrees."

I transcribe this to you, for your information, in reply to your note of the 29th June, enclosing the opinion of the quartermaster general of the army corps on the subject.

Independence and liberty! Chihuahua, August 4, 1866.

MEJIA.

General MARIANO ESCOBEDO,
Chief of the Northern Army Corps, (wherever he may be.)

No. 5.

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—GOVERNMENT BRANCH—
SECTION FIRST.

Trusting to your patriotism, and as a reward for your services, the citizen President of the republic has been pleased to appoint you governor of the State of Tamaulipas. I send you instructions in another paper, ordering you to repair to that territory without delay, to begin the duties of your office. I enclose this despatch to citizen General José M. de J. Carvajal, former governor of that State, for his instruction.

Independence and liberty! Chihuahua, August 7, 1866.

LERDO DE TEJADA.

Citizen General SANTIAGO TAPIA,
Governor of the State of Tamaulipas.

No. 6.

MEXICAN REPUBLIC—NATIONAL ARMY—GENERAL OF BRIGADE.

CITIZEN MINISTER: I learn with pleasure from your note of the 7th instant of the appointment of myself as governor of the State of Tamaulipas, by the chief magistrate of the republic.

I accept the office, but I must say that I do it because the State is in trouble in every branch of its administration, physical, moral, political, and military.

Be pleased to express my thanks to the President for the confidence he has shown for me in giving me the office.

Liberty and independence! Monterey, August 26, 1866.

SANTIAGO TAPIA.

The CITIZEN MINISTER OF RELATIONS AND GOVERNMENT,
Chihuahua.

No. 7.

An act drawn up by the garrison of this town.

In the town of Matamoras de Tamaulipas, on the 12th of August, 1866, its garrison assembled, composed of the following brigades and corps: Hinojosa brigade, first cavalry corps, first Tamaulipas battalion, second Tamaulipas battalion, Bravo shooters, Canales brigade, government escort, supreme power corps, Tamaulipas guides, mountain riflemen, Camargo squadron, Guerrero squadron, exploring corps, loyal Tamaulipas, Burgos loyals, Vera rangers, reform battalion, artillery battalion, Bravo lancers, and exploring volunteers.

Considering that citizen José Maria Jesus Carvajal, acting governor and military commander of the State, is not fit to govern it under present circumstances, because he does not pay the garrison, and makes no effort to do so;

Considering that the money contributed by the city has been uselessly wasted, to the neglect of the soldiers' wants;

Considering that citizen Carvajal's political progress has been feeble and indecisive, when in these times it should be strong and resolute;

Considering the small influence citizen Carvajal has over the garrison and the inhabitants of this city, he should not remain in power;

Considering that if violent and energetic means are not resorted to, greater evils may result; Considering, finally, it is the duty of this garrison to stop this ruinous imposition, the chiefs, officers, and soldiers of said garrison have resolved:

1. To reject and depose citizen José M. J. Carvajal as governor and military commander of the State of Tamaulipas;
2. To make Colonel Servando Canales governor and military commander of the State, for his services to the national cause, and from the confidence we have in him;
3. That citizen Benito Juárez, constitutional President of the Mexican republic, be informed of this gubernatorial change in the State, and the reasons for it, while we declare our fidelity to all decrees and orders emanating from the supreme government of the nation;
4. That Colonel Servando Canales be informed of these resolutions, that he may assume the duties of said office in this State.

PEDRO HINOJOSA,
General of the First Brigade.

The other signatures follow.

No. 8.

SERVANDO CANALES, CAVALRY COLONEL IN THE REPUBLICAN ARMY, GOVERNOR AND MILITARY COMMANDER OF THE STATE OF TAMAULIPAS.

FELLOW-CITIZENS: Yesterday you witnessed a military movement that deposed General José M. J. Carvajal from the office of civil and military governor of the State. You know the reasons of that act: a general dissatisfaction prevailed among the people, and there was no other remedy. Fortunately there was no blood shed, and not a gun fired. It was the best way to express the will of the garrison.

By your vote, and the will of my companions in arms, I am now doing the duty as civil and military governor of the State, which office I have accepted in pure gratitude to your confidence, and to prevent a headless government from going to destruction.

I am aware of the dangers of the present crisis, and if I dare to brave them, it is with purest intentions to see my country free and happy.

Fellow-citizens: My government hoists the standard of independence and liberty, symbolized by the most holy principles of union and fraternity. I solicit and expect the aid of all the citizens of this State. I will hear the counsel of all, as humanity is apt to err from weakness. My government shall be the people's government. Candor and good faith shall be my guide: we will have no disputes, no personal differences, no envies. We will lay our animosities aside, sacrifice our hate on the country's altar; let no sentiments find a place in your hearts but the desire for the independence and liberty of Mexico. Long life to the republic and liberty!

SERVANDO CANALES.

MATAMORAS, August 13, 1866.

No. 9.

DEPARTMENT OF HOME AFFAIRS, OFFICE OF THE SECRETARY OF FOREIGN AND HOME AFFAIRS—SECTION FIRST.

The citizen President of the republic has heard with regret of the act committed in the city of Matamoras, on the 12th of August last, by the forces under command of General Pedro Hinojosa and Colonel Servando Canales, with a view that the political and military command of the State of Tamaulipas should devolve on the second named officer, who accepted it in a proclamation issued on the 13th, thereby disavowing General J. M. de J. Carvajal, the incumbent at the time. Even had there been just motives for the dismissal of General Carvajal, it was only the supreme government that had the right to order his dismissal; and it had already so determined, on the 4th of said month, in order that General Carvajal might answer the charges against him for the capitulation he granted to Don Tomas Mejia.

You were then appointed as governor and military commandant to supersede General Carvajal. But until you superseded him, and until this determination of the government came to the knowledge of General Carvajal's subordinates, they were bound to respect his authority. This error cannot, however, be excused, because of the third resolution of the act above mentioned, where it is provided to refer it to the citizen President, under protest, and abide by his determination. Such means having been used previously, in other like movements, does not deprive them of their true character of revolt, contrary to the most binding duties imposed by law and military discipline. No hope for the salvation of the country can be entertained, if a step is not put to military revolts, which have so far been the cause of the misfortunes of the republic. The nation has been struggling for the last nine years against parties that revolted against the constitution and the laws, which, after having been defeated, went as far as treason itself, by calling foreigners to their aid. The people are struggling to establish forever respect for national law, and the principle that authority should not be derived through violence, by force of arms, but arise from the laws consented to by the free will and votes of the citizens; that law be superior to force; that public power be superior to military mutinies; and that arms be in the hands of those citizens who, instead of disregarding the laws and dismissing public officers, will but serve their country by true allegiance to the constituted authorities, and strict obedience to the laws. Disapproving, as the citizen President does disapprove, the military movements at Matamoras, and disavowing all the acts arising therefrom, he entreats you that, beside all the steps you may have taken as governor and military commander of the State of Tamaulipas, you should provide the best means for the submission of those forces, and direct Hinojosa and Colonel Canales to proceed to the seat of the supreme government, to answer for their conduct. Independence and liberty! Chihuahua, September 12, 1866.

LERDO DE TEJADA,
Secretary of Foreign and Home Affairs.

General SANTIAGO TAPIA,
*Governor and Military Commandant
of the State of Tamaulipas, Matamoras.*

No. 10.

DEPARTMENT OF FOREIGN RELATIONS AND GOVERNMENT—MEXICAN REPUBLIC—GOVERNMENT OF THE STATE OF TAMAULIPAS.

CITIZEN MINISTER: At two o'clock yesterday there was a political move in this city that resulted in the removal of General Jose M. J. Carvajal as governor and military commander of the State, and it was so unanimous and orderly that not one gun was fired, and the city soon subsided into its usual quiet.

I was immediately chosen by popular will to replace Carvajal, and I have taken charge of both offices in obedience to public opinion and to prevent anarchy.

You will learn the causes and reasons for the move from the papers I send you.

I have the honor to inform you of this, and request you will make it known to the citizen President, to whom, as well as to you, I make my humble submission.

Liberty and independence! Matamoras, August 13, 1866.

SERVANDO CANALES.

The MINISTER OF RELATIONS AND GOVERNMENT, *Chihuahua*.

No. 11.

OFFICE OF GOVERNMENT—SECTION FIRST.

Your despatch of the 13th of August has reached the President. You tell of the move in Matamoras making you governor in place of José M. de J. Carvajal.

On the 7th of August General Santiago Tapia was made governor and military commander of your State. On the 12th of September I sent you a despatch informing you that the President disapproved of the terms of the Matamoras surrender and annulled all the articles, ordering Pedro Hinojosa and you to present yourselves to the supreme government to answer for your conduct. This despatch and the commission of General Tapia were published in the official paper of the 14th of September, of which I send you a copy.

The President requests me to say to you to obey the orders of Tapia, and to present yourself at headquarters immediately.

Independence and liberty! Chihuahua, October 2, 1866.

LERDO DE TEJADA.

Colonel SERVANDO CANALES, *Matamoras*.

No. 12.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—MEXICAN REPUBLIC—GOVERNMENT OF THE STATE OF TAMAULIPAS.

CITIZEN MINISTER: I have the honor to inform you that on yesterday, at two o'clock in the afternoon, a political move occurred in this place, the sole design of which was to overthrow the administration of General J. M. J. Carvajal, for reasons stated in the papers accompanying this note. Only a change of persons has taken place. Carvajal was deposed from the place of civil and military governor of the State, and I have assumed those offices in accordance with the will of the people and the garrison, so as not to leave the government without a head to prevent anarchy and confusion, that would be so disastrous at a time like this.

Consequently, the undersigned and all the forces in the town are at the orders of citizen Benito Juárez, the worthy President of the republic, and are entirely disposed to continue fighting in defence of the sacred rights of independence and liberty. Be pleased, citizen minister, to communicate this note to the citizen President of the republic, and accept the best expressions of my respect and esteem.

Independence and liberty! Matamoras, August 13, 1866.

SERVANDO CANALES.

The MINISTER OF WAR AND MARINE,
(wherever he may be.)

No. 13.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

From your despatch of the 13th of August the citizen President of the republic has heard of the move that occurred in your city on the 12th, when the garrison disavowed General Jose M. J. Carvajal as governor and military commander of the State and appointed you in his place till the decision of the supreme government, which offices you say you accept to prevent fatal consequences that otherwise might take place.

Before receiving your communication, when the President heard of the capitulation between Generals Carvajal and Tomas Mejia, General Santiago Tapia was made military governor of the State to prevent any evil results; but the supreme magistrate of the nation disapproves of the removal and substitution by armed force, and therefore orders were sent to General Tapia to summon you and General Hinojosa to appear before the government to answer for their conduct. When that is done your declarations will be duly considered.

Independence and liberty! Chihuahua, October 2, 1866.

MEJIA.

Colonel SERVANDO CANALES,
in Matamoras, or elsewhere.

No. 14.

MEXICAN REPUBLIC—GOVERNMENT OF THE STATE OF TAMAULIPAS.

CITIZEN MINISTER: Colonel Gomez, chief of the brigade of that name, reports from Tampico on the 6th instant as follows:

"You will learn from the accompanying paper that finally, this day at three o'clock in the afternoon, this town fell into our hands, and consequently all the French and traitors that held it so long are expelled from the territory. On informing you of that pleasant event, I have the satisfaction of congratulating you, and of informing you that as soon as it can be done a circumstantial report of all that happened during the siege will be made out, with a list of all that was taken from the enemy, in accordance with the agreement entered into between General Pavon and the French chiefs."

I am pleased to send this to your department for the information of the President of the republic, whom I congratulate on the splendid victory over the French and traitors that held the important town of Tampico.

Independence and liberty! The heroic town of Matamoras, August 13, 1866.

SERVANDO CANALES.

The MINISTER OF WAR AND MARINE,
(wherever he may be.)

No. 5.

Military convention signed by General Desiderio Pavon, commander of the Mexican liberal forces operating on Tampico, S. Revaud, chief of the French naval forces, and Mr. Langlois, chief of the French forces in Tampico.

ARTICLE 1. The French troops now in the Casa Mata and Octavo forts shall appear on the wharf to-morrow, the 8th, between two and three o'clock of the afternoon, with their arms, their baggage, and their flag displayed, the band playing a march, with full cartridge-boxes for each man, to embark for leaving.

ART. 2. An armistice shall be religiously observed by both belligerents from now till the French gunboats that transport the troops shall have crossed the bar of the port.

ART. 3. French subjects residing in Tampico shall have full protection, and Consul Charles de St. Charles, having charge of the French and Belgian consulates, shall continue to exercise his duties as heretofore with all due protection.

Made in duplicate at Tampico, on the 7th of August, 1866.

DESIDERIO PAVON.
S. REVAUD.
S. LANGLOIS.

No. 16.

DEPARTMENT OF STATE—OFFICE OF WAR AND MARINE—SECTION FIRST.

From your despatch of the 18th of August, and the accompanying papers, the citizen President of the republic has learned with pleasure that on the 8th of this month the important town of Tampico was entirely occupied by the republican forces, and the French garrison that held it left, in accordance with a convention between General Desiderio Pavon and its commanders; and the chief magistrate agreeing that circumstances made it necessary to draw up a treaty allowing the enemy to evacuate the place with their arms, baggage, &c., according to articles 1 and 2, has been pleased to ratify it; but he cannot and does not approve of article 3, because the consuls that favored intervention and desired the republic cannot be recognized as consuls, or have any official character; yet, like other foreign subjects, they are entitled to the protection that is allowed by the law of nations and the laws of the republic.

I communicate the above to you in reply to your despatch, and for consequent action.

Independence and liberty! Chihuahua, October 2, 1866.

MEJIA.

The MILITARY COMMANDER, of the State of Tamaulipas,
in Matamoras, (or wherever he may be.)

TAMPICO, August 22, 1866.

MY DEAR SIR: Before this reaches your hands your readers will doubtless be in possession of the intelligence of the capture of this important post by the constitutional forces; but some further details, from an eye-witness of what has occurred here, may not prove uninteresting.

On the morning of the 1st instant a detachment of the constitutional forces of this State, under the command of Colonel Manuel Cuesta, suddenly appeared before Fort Iturbide, and assaulted it with the cry of "*Viva la libertad!*" Upon this the entire Mexican force, which had been placed in the fort as garrison, went over in a body to the liberals, and the fort and all its supplies fell into the possession of Colonel Cuesta. Eleven Frenchmen, including the commandant of the fort, were killed in the *melée*.

The State troops then rushed into the city and secured possession of Plaza Libertad and the custom-houses, and opened a brisk fire of musketry on the gunboat Musquito, driving her from her moorings, but she finally escaped with the French collector of customs and several Mexican rebels on board. The liberal forces then advanced to the Plaza de Armas, where they met the imperialists, and drove them to the forts Casa Mata and Octavio.

On the following day the Huesteca troops, numbering some one thousand men of all arms, under the command of General Pavon, crossed over from Puebla Viejo and effected a junction with the State troops. Hostile operations were continued until the 7th, the liberals not having sufficient powder to move as effectively as they wished and as the numerical strength of their force would have permitted. Meanwhile the dwelling-houses of the town suffered severely from the merciless fire of the French forts, which being situated on elevated ground enabled them to aim at any house they wished to destroy. Notwithstanding this, however, they seemed to throw their fire indiscriminately through the city, killing men, women, and children, and causing the most wanton destruction of property. On the morning of the 7th two gunboats from Vera Cruz appeared in the river, cautiously approaching Fort Iturbide, and about three p. m. Casa Mata and the gunboats seemed to open a simultaneous fire upon the fort, which was continued until five p. m., when the gunboats reached the anchorage abreast the Plaza de Armas and hoisted a flag of truce, which was at once answered by the Mexican liberal commander.

The United States consul general and the Prussian and Spanish consuls were then authorized to confer with the French senior naval officer, in the presence of the Mexican Colonel Gomez, and preliminary stipulations were entered into for the retirement of the French forces and the surrender of the forts remaining in their possession. A further interview then took place in Casa Mata, and at eleven p. m. the terms of capitulation with all the honors of war were signed. At three p. m. on the following day the last remnant of the French force in the State of Tamaulipas was embarked upon the gunboats, and the soil of the State was again free from the presence of the foreign invader.

This town now bears the impress of the horrors of war. Houses more or less destroyed and injured by shot and shell, families mourning the loss of some of their number, and the traitors who have had imperial appointments trembling and in mortal dread of what is to be the result of their past misdeeds. The few French residents here are not molested, but they wear most elongated visages and whisper maledictions against the United States, to whose support of the liberals and opposition to the "empire" they attribute its rapid downfall. The liberal forces, since their occupation of the city, have behaved exceedingly well, and it is impossible to describe the feeling of relief and freedom that is experienced by all classes at the termination of the reign of terror which we have experienced during the whole of the French occupation. Communication with the interior is again open, and there is now a chance to move freely after the confinement we have been suffering here for more than two years past.

The political prefect, Don Toribio de la Torre, who had made himself so odious to his countrymen during the imperial occupation, and particularly in enforcing the barbarous decree of Maximilian of the 3d of October last, was caught at an early hour on the morning of the 1st, and was summarily executed. Such has been his traitorous reward.

Don Matildo Romero, who had been judge of the district during the Maximilian régime, and has played a conspicuous part in the imperial rôle, took refuge in the house of the United States consul general, where his family had already preceded him, and solicited the influence of Mr. Chase to save his life. This was, of course, cheerfully promised, and he was assured that the consul had authority from the military commanders to protect the lives and property of all who took refuge with him; yet such was the fear and remorse of the unhappy man that, notwithstanding all the assurances that were proffered to him, he could not overcome his fright, and committed suicide by taking poison. His treason to his country thus found its punishment at his own hands.

The conduct of the French at this place has been without excuse. After ruining the commerce of the place by their occupation, they have finished the work of destruction by bombarding the town, and inflicting wanton injury upon private property. They have also caused a great loss of life among those who were entirely non-combatants. Their civilization has proved itself infinitely worse than any the past record of Mexico has ever presented.

Señor DON MATIAS ROMERO,
Washington City, D. C.

No. 18.

• REPUBLICAN ARMY—HEADQUARTERS OF THE COMMANDING GENERAL—NUMBER 2.

CITIZEN MINISTER: I have the honor to inform you that this city was occupied to-day by our forces, driving out 100 traitors that held it, five of whom we killed, wounded 12, and took 59 prisoners, including two principal chiefs, who are dangerously wounded. All the enemy's horses, arms, equipments, and ammunition were taken.

Be pleased to make this known to the President, and accept for yourself the assurances of my consideration and obedience.

Independence and liberty! Nazas, August 8, 1866.

FRANCISCO O. ARCE.

The Citizen MINISTER OF WAR, at Chihuahua.

No. 19.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

By your despatch of the 8th instant, the President of the republic is pleased to learn that you have occupied Nazas, held by 100 traitors, five of which you killed, took 12 wounded and 59 prisoners, among them the two chiefs, badly wounded.

• Independence and liberty! Chihuahua, August, 16, 1866.

MEJIA.

General FRANCISCO ARCE, at Nazas.

No. 20.

MEXICAN REPUBLIC—ARMY OF THE NORTH—GENERAL-IN-CHIEF.

As I have already informed you, I set out from Matamoras, dividing my forces into three columns, and a ten days' rain made me go slow. Yet the enemy holding the place found I was coming, and evacuated it on the 26th of June, and marched towards Saltillo, which place Douay left, spiking his cannon, and taking all precautions to prevent the desertion of his men. Lieutenant Colonel Ruperto Martinez, with his New Leon rifles, and Cadercita Jimenez, with the explorers, occupied the deserted city the next day, and informed me of the fact, though they had done it without orders, and then continued on in pursuit of the enemy.

The French forces under Douay left Saltillo yesterday for Matahuala to meet Bazaine, who has 2,000 men with him, as we learn from intercepted correspondence. The French and traitors have been defeated so often in this part of the republic the troops are thoroughly demoralized. I will remain here only long enough to increase my forces and equip new ones, when I will open the campaign in the State of San Luis Potosi, unless I have different orders from the supreme government. Congratulate the President of the republic on the evacuation of Monterey and Saltillo by the cowardly enemy on our approach.

Independence and liberty! Monterey, August 5, 1866.

M. ESCOBEDO.

The MINISTER OF WAR AND MARINE
of the Mexican Republic, in Chihuahua.

No. 21.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

By your despatch of the 5th instant, the President of the republic hears with pleasure that Monterey was evacuated by the enemy on the 26th, and occupied by our forces under Colonel Ruperto Martinez, and that General Douay had also evacuated Saltillo and marched towards Matahuala, to join some forces from San Luis, and so the city of Saltillo also fell into our hands.

The occupation of these two places, the only ones held by the enemy in the States of New Leon and Coahuila, is of the greatest importance to us. Thus the victory of Santa Gertrudis and the occupation of Matamoras free us from the invaders, and enable us to operate more effectually with the rest of the patriots.

In regard to the military operations that you propose in the note I am now answering, separate instructions will be sent to you when convenient.

Independence and liberty! Chihuahua, August 23, 1866.

MEJIA.

General MARIANO ESCOBEDO,
Chief of the Northern Army Corps, Monterey.

No. 22.

General Mariano Escobedo, chief of the northern army corps, to the troops under his command.

SOLDIERS: More than seven thousand French and traitors that occupied the States of New Leon, Coahuila, and Tamaulipas are there no longer. Those not completely whipped and routed, fled before the splendor of republican arms. The French General Douay, directing military operations on the frontier, retired with his demoralized troops, without gaining one victory, and Marshal Bazaine, chief of the invading army, came to save his weary battalions from dispersion.

The battle of St. Gertrude has altered the aspect of the military question sustained by the republic against its enemies; the occupation of the important places of Matamoras, Monterey, and Saltillo is the legitimate consequence of that important day.

Companions in arms: In the name of the citizen President, Benito Juarez, I welcome you to the capital of New Leon, where your fellow-countrymen receive you with open arms, and the ladies have crowns of laurel for your worthy brows. The northern frontier is now free, but our brothers inland, who have struggled so bravely against invaders, are yet suffering the yoke imposed upon them by foreign bayonets. Our duty is to aid them. We will rest awhile under arms; then, fully provided with supplies for them, we will carry the war where it is necessary, wherever there are foreigners and traitors, enemies of the great Mexican republic.

Independence and liberty! Monterey, August 8, 1866.

MARIANO ESCOBEDO.

No. 23.

MEXICAN REPUBLIC—GOVERNMENT AND MILITARY COMMANDANCY OF THE STATE OF COAHUILA DE ZARAGOZA.

After the victory of Santa Gertrudis, where the convoy guard was routed—the capture of this place and the occupation of Matamoras—after the evacuation of Saltillo by the French and traitors—this place was occupied, as soon as the enemy had left it.

By this fortunate event the entire northern frontier is free from the invaders, and is now ready to march to the interior to overthrow the worm-eaten edifice called the empire. Colonel Zepeda, who took possession of Saltillo, was prevented from pursuing the enemy by his duties to regulate affairs around him. The next day Lieutenant Colonel Ruperto Martinez was sent out after the fugitives, and reports that a great number of deserters, French, Belgians, and traitors, are joining him every day. After equipping the second brigade of 1,000 men, I prepared to march to the States of Durango and Zacatecas, where there is most excitement, and the people need a leader against the enemy. For this purpose I have sent the brigade commander citizen Jesus Gonzales Herrera and Generals Auza and Arce, with full powers, to that section of country.

The reorganization of the districts and the equipment of troops has detained me here till now; but I start for Saltillo to-morrow to confer with the general of the northern army about operations upon San Luis.

I have the honor to communicate the above to you for the information of the President of the republic, whom I congratulate in the country's name, for the favorable turn of events in our favor.

Independence and liberty! Parras, August 8, 1866.

ANDRES S. VIEZCA.

The MINISTER OF WAR AND MARINE
of the Republic, in Chihuahua.

No. 24.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE—SECTION FIRST.

By your communication of the 8th, the citizen President of the republic is pleased to learn that Saltillo was evacuated by the enemy on the 4th, and immediately occupied by our forces; also, that you had gone to that city to regulate affairs, and confer with the commander-in-chief of the northern army in regard to the continuation of the campaign.

Independence and liberty! Chihuahua, August 21, 1866.

MEJIA.

General ANDRES S. VIEZCA,
Governor and Military Commander of the State
of Coahuila de Zaragoza, in Saltillo.

No. 25.

QUIROGA'S PROPOSAL TO SUBMIT.

We give below a letter of Viezca to the President, with annexed documents, on Quiroga's proposal to submit to the government, and deliver Campos up. Viezca's reply shows the enemy's situation, and that no commentaries are needed on Quiroga's infamous proposal.

PARRAS, August 8, 1866.

RESPECTED SIR: I inform you officially, through the secretary of war, of the evacuation of Monterey and Saltillo by the French and traitors, and of our occupation of those important towns. The frontier now is free from the yoke the invaders sought to impose upon it, and everything induces us to hope their last hour is near.

Campos and Quiroga wanted to join our forces when they saw there was no hope for them, and thus save their lives and fortunes. I send you Quiroga's first letter and my reply. He afterwards sent me a letter proposing to deliver Campos up, if we would let him join us in our war against the French, and continue at the head of his own forces. I told him I had not the authority to grant his request, and I did not believe it was my duty, even if I could. I send you copies of both documents. I hope my conduct in not treating with Quiroga and Campos will meet with your approbation.

As ever, I remain your true friend and servant,

A. S. VIEZCA.

President BENITO JUAREZ, *Chihuahua*.

SALTILLO, July 30, 1866.

MY DEAR FRIEND: I wrote to General Escobedo to-day, giving my opinion of the situation, and offering to join him in efforts against the invaders who have sought to subjugate us. I hope Señor Escobedo will accept my offer; but if he does not, I will do what I can to keep from being obliged to go to the interior to accept offers made me there; and for that reason I write this letter to you. If you consent to unite your forces with mine, please give me an official communication of the fact, addressed to the Aurora factory, where I will wait for it.

This offer embraces the person and troops of my friend Maximo Campos, who entertains the same opinion and wish; and I am resolved to follow his fate, whether his person and interests are protected or not.

Your friend and servant,

JULIAN QUIROGA.

Governor ANDRES S. VIEZCA.

PARRAS, August 4, 1866.

DEAR SIR: In answer to yours of the 30th, proposing to unite our forces to prevent another incursion of the frontier, I must say that, whatever General Escobedo may think, I believe the hard lessons we have had, and the blood that has been shed by our countrymen in contests with a foreign enemy, ought to serve as warnings for us in future; and I am sure the frontier can defend itself without its forces joining yours, that have fought for the odious project of intervention. Besides, it would be doing an injury to my conscience, and a violation of my duty, to accept your proposal, which is altogether inadmissible at this time.

My responsibility to the nation is great, and as a public officer I am bound by the law and public opinion. It may be well that you have determined to follow the fate of Maximo Campos; it is natural and logical, no one will deny.

Now, if you two have any feelings for the good of the country, you can place your troops at the disposal of the government, or the legitimate authorities of the republic, and accept, without conditions, the judgment of the law.

After saying what I have, I think it entirely unnecessary to send a commissioner to confer with you.

Your obedient servant,

ANDRES S. VIEZCA.

Don JULIAN QUIROGA, *Saltillo*.

[Letter omitted.]

PASO DE LA PIEDAD, July 29, 1866.

To Messrs. AUZA and VIEZCA:

The bearer, Don Ignacio Soto, can certify to the truth of this.

JULIAN QUIROGA.

PARRAS, August 5, 1866.

To Don JULIAN QUIROGA:

Your commissioner, Don Ignacio Soto, has conferred with me on the subject of your proposals to join me, under certain conditions, and I must say it is not in my power to accept your offers.

A. S. VIEZCA.

PARRAS, August 8, 1866.

True copies:

E. VIEZCA, *Chief Officer.*

From No. 1 of the News Bulletin of Saltillo, 5th of this month, we make the following extracts:

"General Escobedo arrived in Monterey the day before yesterday, and he is daily expected here with the main body of his troops.

"RECENT EVENTS.

"Campos and Quiroga, of the French party, were with him. We know they both received munitions of war from the French, and were encouraged to pronounce for Santa Anna, Gonzales Ortega, or any one else who might serve as a torch for internal conflagration. Poor deluded people! Worse than Napoleon or the basest of his agents. Why can't they see that the national cause will finally overcome all their machinations?"

Major General Sheridan to General Grant.

OFFICE U. S. MILITARY TELEGRAPH, WAR DEPARTMENT,
Washington, D. C., November 27, 1866.

[Received 4.30 p. m.]

NEW ORLEANS, November 27, 1866.

General U. S. GRANT, *Commanding Army:*

I am just in receipt of news from Brownsville, and fear that General Sedgwick, commanding the sub-district of the Rio Grande, will, for some unaccountable and unjustifiable reason, demand of Canales the surrender of the town of Matamoras, on the plea of preventing the pillage of the houses of Americans, &c. The situation there is this: General Escobedo is in front of the city with about three thousand five hundred (3,500) men, and Canales offered to surrender if the liberal government would pay the merchants who have been supporting him in his illegal and infamous acts. This Escobedo would not agree to. I very much fear that these very merchants have in some way gotten around Sedgwick, who is, I fear, not a strong man, and have prompted him to this action which he contemplates. I have heretofore notified you that these very merchants were at the bottom of all the troubles over there. There is perfect harmony between Sedgwick and General Escobedo, and no objections are made to the contemplated act of General Sedgwick. Should General Sedgwick act as I have some reason to expect, I will at once disapprove of his action and relieve him from his command. I have telegraphed to General Sedgwick disapproving his contemplated act, or any action he may have taken in view of it.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,

Major General U. S. A.

Official:

GEO. K. LEET,
Assistant Adjutant General.

Major General Sheridan to General Grant.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, Louisiana, November 30, 1866.

MY DEAR GENERAL: The report in the newspapers that General Sedgwick had crossed the Rio Grande is premature. He certainly had not crossed or demanded the surrender of the town on the 23d instant, and I hope he has not made this blunder.

There is no doubt in my mind but that General Sedgwick has had some influence brought to bear on him.

Sedgwick went over to Matamoras and took breakfast with the merchants on the morning he wrote the letter which I enclose to you. There is something wrong about this transaction.

Escobedo was about to take the place by assault, and was able to do it, when Sedgwick apparently adopted his course to prevent it and save the merchants.

The whole affair, should it take place, will not complicate things, and my disapproval of it must have reached Brownsville yesterday, 29th instant.

I am, general, very, respectfully,

P. H. SHERIDAN,
Major General U. S. A.

Gen. U. S. GRANT,
Commanding Armies United States, Washington, D. C.

Official:

GEO. K. LEET,
Assistant Adjutant General.

Mr. Stanton to Major General Sheridan.

WAR DEPARTMENT,
Washington City, November 30, 1866—4 p. m.

Your telegram of the 27th instant to General Grant in relation to the contemplated action of General Sedgwick in crossing the Rio Grande has been submitted to the President, and your action in relation to General Sedgwick is approved and General Sedgwick's proposed action disapproved. If he shall have crossed the Rio Grande you will relieve him and place him in arrest, to await the further order of the President concerning him.

EDWIN M. STANTON,
Secretary of War.

Major General P. H. SHERIDAN,
New Orleans, Louisiana.

Major General Sheridan to General Grant.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 1, 1866—10 a. m.

GENERAL: I have an opportunity to go over to the Rio Grande this evening, and by going I can settle the Ortega affair, also the Sedgwick trouble, if any has occurred, and put things on a good footing, but I would like to have your approval of my absence. Affairs are in good condition here, and General Forsyth communicates to me from Texas frontier, no Indian troubles.

P. H. SHERIDAN, Major General.

General U. S. GRANT.

Official:

GEO. K. LEET,
Assistant Adjutant General.

VENEZUELA.

Mr. Culver to Mr. Seward.

[Extract.]

No. 123.]

LEGATION OF THE UNITED STATES,

Caracas, July 4, 1865.

SIR : I am gratified in being able to inform you that the government of Venezuela has come to the conclusion that a settlement of all claims due American citizens can be best effected through the intervention of a mixed commission, and the minister of foreign affairs, with the approval of the President, now proposes to me to unite in a convention for that purpose.

A convention was some months since concluded with the French government for the adjustment and payment of the claims of its subjects, and which is now being executed ; so also with the Spanish government.

An arrangement, I learn, is also being made with the British legation to effect a settlement of their claims through the agency of a single commissioner.

Understanding all this, and reminding the government of its assurances that on the return of peace and tranquillity the claims of United States citizens should receive prompt and earnest attention, and that nearly four years had elapsed since a single claim had been adjusted, or even seriously examined on its merits, the minister of foreign affairs could not, consistently with his assurances, longer defer their consideration.

This I have no doubt, together with their action touching the claims of other nations, has led to the proposition for a convention.

Early in the last week, at his request, I furnished the foreign secretary with a copy of our convention with Ecuador, which the department had recently transmitted to me. He informs me he has submitted it to President Guzman, and that, in all its essential provisions, it has his approval. I have the secretary's assurance, moreover, that he is preparing and will send me a communication on the subject, and that I should receive it in time to send a copy to my government by the ship now in port. But fearing delay, so common to this government and all its functionaries, I have thought it prudent to advise the department of the matter in order that I might the sooner be possessed of its views.

I informed the foreign secretary that I had not been clothed with full powers to conclude a convention. He thereupon suggested that we could draw up and agree preliminarily on the substance of one, and submit it to our respective governments for amendment and approval. This would at least save some considerable time.

Our citizens who have claims pending are, so far as I am advised, without exception, in favor of such a commission. They have long since come to the same conclusion to which I had arrived, that without some such instrumentality their claims will never be paid or liquidated. Some of them have been standing twenty-five or thirty years.

The convention with Ecuador will form the substantial basis of preliminary negotiations. In the accommodation of parties and witnesses living in the United States, it would be desirable that the commissioners should hold one session there and one in Caracas.

Considering the state of their finances we shall have to be liberal in extending the time of payment. To this the claimants will not object, provided prompt and punctual payment of interest be exacted.

It would be desirable, perhaps, should the commissioners fail to agree upon the umpire, that he should be named by some diplomatic representative at Washington rather than by one at Caracas. * * * *

My own convictions are clear and strong that the best interests of our citizens demand that not a moment be lost in fixing upon a convention, the best we can obtain, and thus effect a full and final settlement of these claims. They will probably exceed half a million of dollars.

I shall hope to be advised at the earliest moment practicable of the views of the department, and to be furnished with such instructions and clothed with such powers in the premises as it may deem proper.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The minister of foreign affairs breakfasted with me this morning, and was pleased to say that he would submit his draught of convention to-morrow. If so, I shall be able to forward by ship now in port.

E. D. C.

Mr. Culver to Mr. Seward.

No. 124.]

LEGATION OF THE UNITED STATES,
Caracas, July 22, 1865.

SIR: I have the honor herewith to transmit to the department a translation of the draught of a convention communicated to me by the foreign secretary. It was not finished until the ship had left La Guayra, and I have with all practicable despatch translated, and herewith forward same, hoping to reach the vessel at Puerto Cabello.

I have only time to add, that since receiving the draught I have sought and obtained a brief interview with the secretary, and suggested to him to change the phraseology of the first article, so as to conform more strictly to that of the same article in the Ecuador convention, also to allow the American minister at Caracas, if his government shall see fit to clothe him with that power, to fill the vacancy in case of the death, &c., of the American commissioner, as in the Ecuador convention.

To these modifications he does not object.

I also suggested a modification of that portion of the first article which gives the right of selecting the umpire to the chargé of Spain residing in Caracas. I offered, in case of commissioners not agreeing, to devolve the selection upon the representative of Switzerland, or Russia, residing in Washington, or Mr. Stirup, the Danish consul general in Caracas. He wished, however, to refer that matter to the President, and will then advise me.

I also objected that his draught made no provision as to *interest*. He replied at once that none was made in the Ecuador convention, but on a fuller interchange of views he intimated that in awarding indemnity the commissioners could pass on the question of interest.

In our convention with New Granada, interest was fixed by the terms of the convention. I knew not why it was omitted in that with Ecuador, nor am I advised what the action of the commissioners has been or may be under it.

I hope he will accept the amendment I shall offer, either fixing the rate of interest or conferring authority on the commissioners to do so.

I am satisfied the claimants would deem it most unjust to defer payment of their claims for such a length of time without interest.

He also consents to strike out of article seven the words, "the constitutional requisite in each country being previously complied with," but with the understanding that their constitution requires a convention of this kind to be submitted to congress as ours does a treaty to the Senate.

I shall submit my draught to him, with the modifications indicated, at the earliest practicable moment, but could not do so until I had prepared my despatches for the ship now leaving.

All, of course, is understood to be subject to approval or amendment by the government of each country.

I shall hope for early advices.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington. D. C.

[Translation.]

ARTICLE I. All claims against Venezuela which citizens of the United States may have presented to their government shall be submitted to a mixed commission, consisting of two persons, appointed, one by the government of Venezuela, and the other by that of the United States.

The claims understood to be embraced in this article are such as shall be presented up to the day in which the commission shall be organized and enter upon its labors.

In case of the death, absence, resignation, or incapacity of either of the commissioners, or in the event of either of them omitting or ceasing to act, the government of the United States or that of Venezuela shall forthwith fill the vacancy.

The commissioners shall meet at the city of Caracas within ninety days from the exchange of the ratifications of this convention; and before proceeding to business shall make solemn oath that they will carefully examine, and with justice and impartiality, and in accordance with the provisions of this convention, will decide, all claims that shall be submitted to them, and such oath shall be entered in the record of their proceedings.

The commissioners shall proceed to name an arbitrator or umpire, to decide upon any case concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings. If they cannot agree in the selection of such umpire, he shall be named by the charge d'affaires of Spain to Venezuela, on the previous invitation of the high contracting parties.

ART. II. So soon as the said umpire shall have been appointed the commissioners shall proceed to examine and certify the claims which, in conformity with the requirements of this convention, the government of the United States may present to them, together with the proof in support of same; and they shall, if deemed necessary, hear one person in behalf of government on each separate claim. Each government shall furnish, on the request of either commissioner, such documents or papers in its possession as may be deemed necessary to the proper determination of any claim or claims.

The commissioners shall make such decisions in reference to such claims as they shall deem in conformity to justice, even though such decisions amount to an absolute denial of illegal pretensions, since the inclusion of any such in this convention is not to be understood as working any prejudice in favor of any one, either as to principles of right or matters of fact.

In cases where they agree to award an indemnity, they shall determine the amount to be paid to the claimants, and in those cases wherein they may disagree the points of difference shall be submitted to the umpire, before whom either commissioner may be heard, and his decision shall be final and conclusive on the matter.

ART. III. The commissioners shall issue certificates of the respective sums due to the claimants, in virtue of their decision, or in virtue of those of the umpire; and the aggregate amount of such sums shall be paid to the government of the United States, in equal annual payments; the first payment to be made six months from the date of the termination of the labors of the commission, and the whole amount to be fully paid within ten years from the same date.

ART. IV. The commission shall terminate its labors in twelve months from the date of its organization. It shall keep a record of its proceedings, and shall appoint a secretary versed in the knowledge of the English and Spanish languages, who shall aid him in the course of their labors.

ART. V. The decisions of the commissioners, and those (in case there be any) of the umpire, shall be final and conclusive as to all pending claims. Those claims which shall not be presented within the twelve months herein prescribed shall be disregarded by both governments and considered invalid. In the event that upon the determination of the labors of said commission, there should remain pending before the umpire one or more cases awaiting his decision, said umpire is authorized to make his decision and issue the proper certificate, which shall be transmitted to each government, and be held to be binding and irrevocable. The umpire shall make his decision within thirty days peremptory from the day in which the commission shall have terminated its labors; and any decision made after the expiration of said thirty days shall be void and of no effect.

ART. VI. Each government shall pay its own commissioner, and one-half of what may be due to the umpire and secretary, provided such be appointed and enter upon their duties; and each government shall also pay one-half of the incidental expenses of the commission.

ART. VII. The present convention shall be ratified, the constitutional requisites in each country being previously complied with, and its ratifications exchanged so soon as practicable in the city of Caracas.

Mr. Seward to Mr. Culver.

[Extract.]

No. 110.]

DEPARTMENT OF STATE,

Washington, October 2, 1865.

SIR: I have to acknowledge the receipt of your despatches Nos. 123 and 124, of July 14th and 22nd last, which have not sooner been answered owing to other and more pressing duties devolving upon this department.

These despatches have reference to the conclusion of a convention between the United States and Venezuela, through which the claims of citizens of the United States against the latter government may be adjusted and settled by a mixed commission.

It being deemed proper now to conclude such a convention, I transmit you herewith the President's full power authorizing you to do so.

Having considered the draught submitted to you by the minister for foreign affairs of Venezuela, embodying the terms of the proposed convention, and also the observations contained in your despatch No. 124, the following modifications are believed to be essential points which should constitute a part of said convention, viz:

1. The commissioners to meet four months after the exchange of the ratifications of the convention.

2. The commission to hold its sessions in Caracas, there being no necessity that it should meet in the United States, due notice being given to the claimants to file their proofs.

3. The certificates in cases of awards favorable to claimants should be issued by the commissioners jointly, and not by the umpire, who will report his decisions to the commissioners.

4. Interest at the rate of six per cent. per annum should be allowed to all claimants in whose favor awards are rendered, and until these are paid in full. This provision is contained in our convention with Peru, New Granada, and Costa Rica; and from the report of the United States commissioner in Ecuador, which I have just received, it appears that interest at five per cent. has been allowed by the latter government, although not specially provided for in the convention.

In other respects the convention proposed by Venezuela is not objectionable

in its terms; nevertheless, with the view of facilitating your labors and those of the minister of Venezuela, I transmit you printed copies of the conventions entered into with Peru, New Granada, Costa Rica, and Ecuador, which have already been practically tested, found to answer their ends, and to which I invite your attention.

The convention must in any event be submitted to the Senate of the United States for its advice and consent before it can receive the ratification of the President; and in this connection you must bear in mind that our Congress meets in December next; therefore you will so time the execution of your present commission as to transmit its results to us in season for the consideration and sanction of the Senate.

* * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS D. CULVER, Esq., &c., &c., &c.

Mr. Culver to Mr. Seward.

No. 136.]

LEGATION OF THE UNITED STATES,

Caracas, October 27, 1865.

SIR: I have the honor to acknowledge the receipt of your despatch No. 110, of date 2d instant, together with the power therein contained from the President, and also the duplicate copies of several of our conventions with certain South American states.

I am gratified to be advised of the views of my government touching the proposed convention, and honored by the confidence reposed in me by the President.

I have lost no time in seeking an interview with Señor Seijas, the minister of foreign affairs, and opening to him the substance of your despatch, and reading to him in detail the four modifications suggested by you.

To the first three he raises no objection.

To the fourth, that relating to interest, he objected, and wished to take the view of the President, intimating at the same time that I was aware of the President's objections to such a provision. I left the matter with him to submit to the Executive; also gave him copies of the several conventions, as directed by you in your despatch.

As to the objections concerning the interest I will explain.

After sending off my despatch No. 124, and after submitting amendments to Mr. Seijas's draught, which amendments were in substance the provisions in our convention with Ecuador, except the interest clause, I had several conferences with General Guzman, then at the head of foreign affairs; we agreed substantially on all the details of the convention except as to the question of interest; as to that he seemed unusually tenacious, urging three grounds in support of his objections:

1. That his government was too hopelessly poor and embarrassed to pay interest, and for that reason we could afford to be generous with them.

2. That the Ecuador convention contained no provision as to interest, for the reason, probably, that she was too poor to pay, and we were too generous to exact it of her.

3. And chiefly that if the convention with the United States stipulated for paying interest, they should be compelled to stipulate for the same in all their conventions with other governments, and that the claims of the subjects of those other governments were so exorbitant that with interest superadded they

could never do more than pay the interest, and must forever rest under the burden of the principal; that in their conventions with France and Spain they had not stipulated to pay interest; also that they desired and purposed that this convention with us should serve as a model convention, that they might show others how generously the United States had dealt with them in settling all their claims.

After a very full discussion of the matter in all its bearings, I informed General Guzman that both my government and myself would be happy in aiding Venezuela in any and every possible and honorable way to secure the object desired, to wit, a convention that they could use as a precedent, provided it could be done consistently with the interests of our citizens.

General Guzman or Mr. Seijas then suggested that under the broad provisions, as in the Ecuador convention, for awarding such damages or amounts as would make the party good, the commission would be authorized to pass on the question of interest; and finally they went so far as to intimate that they would be willing to give an explanatory or supplemental note to the effect that such was the understanding and consent of the government, and to put the same in such a shape and form that a subsequent government or administration, as well as the commission, should give it its full force and effect, only not to have it appear as an express provision in the convention.

To that I replied, that in effect it came very near what I desired in the convention; but as their proposition was somewhat complex, I preferred much a plain, simple provision for payment of interest to be embodied in the convention, but to that General Guzman, for the reasons above stated, seemed determinedly opposed.

Thus the matter rested up to the time of receiving your last despatch. I should sooner have advised you of these interviews, but that I was for some two and a half months in daily expectation of hearing from you upon the matter.

General Guzman is now the President, and Mr. Seijas fills his place in the department of foreign affairs. On informing the latter yesterday that interest was allowed by the commission in the case of the Ecuador claims, he at once replied, "that goes in confirmation of the views expressed by General Guzman and myself, that they had power so to award, without an express provision in the convention." He added that in this case, as in that, the convention would be seen, examined, and referred to by outsiders; while the finding or awards of the commission would be private and only for the parties interested, intimating thereby that this convention could with safety and propriety be left as that was.

He agreed, however, as he was now in possession of your views, to submit the matter to President Guzman and advise me of the result.

But as the ship which brought your last, and which will take this, will probably sail before I shall hear from General Guzman, who is at present sick at his home, I have thought it proper to advise you at the earliest moment of the present state of the case, to the end that if it should become necessary to await further advices from you, I may have them by the return vessel.

I am of opinion they will do almost anything short of making an express provision in the convention for interest. At that I think, but am not positive, they will hesitate. I shall thoroughly sound them, and without any indications of yielding, endeavor, if possible, to bring them to the point.

But I am of the further opinion that we would be morally certain of our interest if left as the Ecuador convention was, and I should, rather than that the convention fail, recommend closing it on those terms. Nevertheless, I am satisfied they will go beyond that, and in some way provide that the question of interest be left with the commission, or agree outside of the convention that six per cent. be allowed.

As their congress cannot be expected to act on the convention before March, we shall perhaps not lose much time in awaiting your reply to this despatch.

Unless, therefore, they shall accept substantially your suggestion, I shall deem it my duty to await your further instruction.

With sentiments of highest respect, I have the honor to be your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Culver to Mr. Seward.

No. 137.]

LEGATION OF THE UNITED STATES,
Caracas, November 13, 1865.

SIR : I have the honor to inform you that since the date of my last despatch, (No. 136,) I have had an interview with President Guzman and his minister, Mr. Seijas, touching the convention for a joint commission, and, as I intimated in that despatch, I found him inflexibly opposed to any positive provision being inserted in the convention for the payment of interest. His reasons were the same as those set forth in my despatch No. 136, and especially the third ground of objection therein contained.

I inferred from the tenor and manner of his remarks that he would allow the convention to fail rather than consent to the insertion of a positive provision in it for the payment of interest.

After this expression of his views, with the full knowledge of your suggestions as to allowance of interest, I shall deem it my duty to await your further instructions, deeming it unnecessary to report any suggestions contained in my last.

I have the honor to be, with sentiments of the highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Culver.

[Extract.]

No. 113.]

DEPARTMENT OF STATE,
Washington, November 30, 1865.

SIR : * * * * *

In answer to your No. 136, which treats of the convention proposed between Venezuela and the United States for the adjustment and settlement of the claims of citizens of the United States, and the objection of the government of Venezuela to a provision for the payment of interest upon the amounts which may be awarded to the claimants by the commission, you are instructed to insist upon its insertion in the convention, inasmuch as a precedent contrary thereto, for the benefit of Venezuela, would equally be a precedent against this government in its future conventions with other powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS D. CULVER, Esq., &c., &c., &c.

Mr. Culver to Mr. Seward.

No. 143.]

LEGATION OF THE UNITED STATES,
Caracas, January 25, 1866.

SIR: I have the honor to advise the department that on the 13th of November last I received a despatch from our vice-consul at Ciudad Bolivar, informing me that on the evening of the 18th October previous an attack had been made upon the steamer Apure, sailing under the flag of the United States, at Apurito, in the upper waters of the Orinoco, by an armed body of insurgents, and that the captain, J. W. Hammer, the second captain, J. Brissot, and P. D. Canfield, first engineer, all of them citizens of the United States, had been killed; that there was very great excitement in the valley of the Orinoco upon the matter, especially among the resident foreigners, as well as on the part of the consular body at Ciudad Bolivar.

I thereupon addressed a note to the minister of foreign affairs, a copy of which (marked A) I herewith enclose to you.

Knowing that the government here as well as the public press had received despatches with full details of the outrage, I was surprised at the entire silence of each. No allusion to it was made, and after a delay of some two weeks, and after intimating privately to the foreign secretary that it was a case where I had a right to expect a more prompt response, I received on the 27th November a reply to my note, a translation of which (marked B) I herewith transmit.

Very soon thereafter, I received from our vice-consul a copy in Spanish of the evidence taken before the judge of the first instance at Ciudad Bolivar; also a condensed statement of the facts, substantiated by that evidence as found by the consular body in that city, of which last, being in English, I forward you a copy (marked C.)

From this evidence, as stated by the consuls, it will be seen that Captain Hammer had with his other passengers taking on board for transportation up the river some fifty troops, under the command of the president of the State of Apure, and when he reached Apurito his steamer was in the night attacked by an armed body of insurgents from the shore, and the captain, his mate, and engineer, were killed.

The conduct of President Garcia and his official was most cowardly in not protecting the steamer, its officers, and passengers, while that of the party on shore was most fiendish. It is not pretended that a state of war existed, or any general or reorganized insurrection, but a sudden attempt of a few restless rebel chiefs (with which the country swarms) to overthrow the State government, and which they accomplished.

I have reason to know that the government received this evidence taken before the judge, and also the statement and protest (C) of the consular body, at the time that copies reached me, and yet up to this date not one word has been communicated to me upon the subject, other than the minister's note (B) of the 25th November, while the government press in the capital, which is eager to publish all that transpires in Chili, Peru, and Mexico, has maintained a dogged silence as to this outrage.

The cause of all this, as I infer, and indeed I am so informed, is the apprehension that reclamations will be made. In the instructions given to the judge who held the investigation he was distinctly ordered "to bear in mind that the principal object in instituting the inquiry was to protect the nation from all injustice in any reclamations which perchance the representatives of the United States or England might make." A very singular caution truly to give to a judicial tribunal whose honest and sole object one would suppose should be to elicit the truth, let its results affect whomsoever they might.

Perceiving, as I thought, a disposition to allow the matter to slumber in silence, on the 20th instant I addressed a second note to the minister of foreign affairs, a copy of which (marked D) I enclose herewith.

Nothing further has been heard from the government, and from my knowledge of the way and manner in which these outrages are treated, I am prepared to expect that nothing further will be done, nor shall I ever hear anything further from the authorities touching it, except by dint of hard pressing. The whole matter will be left to slumber in silence, while others of our citizens will be invited to come with their capital and skill to help develop the resources of the country, and ultimately to share the fate of Captain Hammer.

In my opinion this is a clear case of *wanton murder*, and the villanous chiefs who conducted the attack ought to suffer the extreme penalties of the law; instead of which they are now at the head of the recognized government of the State of Apure.

Each of the three citizens killed on the occasion referred to has left a family that was dependent on him for support.

I ask the instructions of my government touching the matter.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Culver to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, November 13, 1865.

SIR: The undersigned, minister resident of the United States, is pained to inform the government of Venezuela that he has this day received a despatch from the United States consulate at Ciudad Bolivar, under date of 2d instant, advising him as follows:

"It is my painful duty to inform you of one of the most atrocious acts that was ever committed in this country—nothing less than the most cruel assassination of the whole crew and officers of the American steamer *Apure*.

"The following is a list of the victims: Captain J. W. Hammer, general agent of Orinoco Steam Navigation Company, from Iowa; Captain J. Brissot, of Louisiana; and Philip Canfield, of New York, first engineer.

"The crime was perpetrated at the town of Apurito, on the 19th of October, and has called forth the general indignation of all the inhabitants of this city, and is considered by the whole community as the most outrageous and unprovoked crime ever perpetrated, and should call the serious attention of the representatives of the different governments resident in Venezuela."

The undersigned is further advised that all the victims of this murder were citizens of the United States, and each leaves a wife and children in Venezuela, in indigent circumstances.

As these murdered citizens were pursuing a legitimate commerce under the flag of their country in the waters of Venezuela, by and with the consent of its authorities, the undersigned cannot too strongly assure the minister of foreign affairs, that the government of the United States will expect that of Venezuela, first, to institute a prompt and effective investigation of the affair; and, second, bring to a sure, speedy, and condign punishment the guilty parties.

In the mean time the undersigned has directed his consul at Ciudad de Bolivar to take and forward to him the depositions of any and all witnesses whose evidence can throw any light on the atrocious crime.

The undersigned would respectfully ask to be advised by the government of Venezuela of any new or additional facts in the case, which may have come to its knowledge, and which it may deem proper to communicate.

The character and atrocity of the crime seem to the undersigned to be of a nature that it should not be allowed to rest for a day without a searching investigation.

The undersigned has a copy of an official note from the president of the State of Apure, to that of the State of Guayana, corroborating the statement of his consul, and which copy he will cheerfully furnish if desired by the government of Venezuela.

The undersigned has the honor to renew to Mr. Seijas the assurance of his distinguished consideration.

E. D. CULVER.

His Excellency Señor RAFAEL SEIJAS,
Minister Foreign Affairs, &c., &c., &c.

B.

Mr. Seijas to Mr. Culver.

[Translation.]

CARACAS, November 25, 1865—

Year second of the law and seven of federation.

The undersigned, minister of foreign affairs of the United States of Venezuela, had the honor to receive the note in which the minister resident of the United States of America communicates the intelligence which had been received from Ciudad Bolivar, concerning the assassination of the officers who manned the American steamer Apure.

The citizen first vice-president charged with the duties of the presidency of the republic has learned with profound regret of that crime, which has been undertaken against life, property, security, and the other interests which the association had confided to its agents.

The government is in possession of no reliable data concerning the affair, of which different relations are given, but which nevertheless represent it as having occurred in a fight between the forces commanded by the president of the State of Apure, and others, who had arrayed themselves against its authority.

In order to arrive at the truth about the affair, and to adopt the requisite measures, the national executive on receiving Mr. Culver's note gave orders that every possible means be taken to investigate the causes of those deaths, together with the attending circumstances; the results of all which shall be opportunely communicated to the legation.

The undersigned renews to Mr. Culver the assurance of his distinguished consideration.
RAFAEL SEIJAS.

E. D. CULVER, Esq.,
Minister Resident, &c., &c., &c.

C.

Proceedings of a meeting of consuls and foreign residents held at Ciudad Bolivar Venezuela, November 12, 1865.

UNITED STATES CONSULATE,

Ciudad Bolivar, November 10, 1865.

SIR: You are respectfully invited to attend a meeting of the consuls and foreign residents in this city, to be held at the rooms of the Club del Comercio, on Sunday, 12th instant, at 12 o'clock, noon, for the purpose of taking such action as may then be deemed necessary in regard to the recent unhappy occurrence at Apurito.

Very respectfully, your most obedient servant,

JOHN DALTON,
United States Consul.

In accordance with the above circular a general assemblage of the gentlemen invited took place at the appointed time, when, upon the motion of the British consul, seconded by the consul of the Hanseatic cities, John Dalton, esq., United States consul, was called to the chair; Doctor Louis Plassard, consul of France, appointed vice-president, and Mr. Joseph B. Austin, of New York, United States, appointed secretary.

The meeting being thus duly organized, after a few appropriate remarks by the president, the following preamble and resolutions were read by the secretary:

Whereas recent most calamitous events have impressed upon this community a profound sense of gloom and insecurity, while we have to lament the sacrifice of valuable lives, the exposure to damage or destruction of large amounts of property, and the obstruction of the only reliable channel of communication with the interior of the republic, it seems necessary that public attention should be directed to a plain statement of the facts attendant on the late outrage perpetrated at Apurito, and measures adopted to prevent a recurrence of similar indignities.

The steamer Apure, a boat regularly engaged in the navigation and transportation of passengers and freight upon the rivers Orinoco and Apure, between the ports of Ciudad Bolivar, in the State of Guayana, and the Nutrias, in the State of Zamora, each State being a constituent portion of the republic of Venezuela, the steamer operating under a special charter from the republic of Venezuela to the corporation known as the Orinoco Steam Navigation Company, said corporation being located and established in the city of New York, in the United States of America; her captain, John W. Hammer, being the general agent of the said corporation, and himself, Julius de Brissot, first officer, Philip D. Caulfield, first engineer, and Jacob Stackpole, third engineer, being citizens of the United States of America, and Daniel Riuk, second engineer, a subject of her Britannic Majesty. The said steamer, being engaged

in making one of her regular commercial voyages, conveying passengers and freight between the above-named and intermediate ports, did, on the 16th day of October, 1865, in the usual course of such voyage, make her regular call at the port of San Fernando de Apure, the capital of the State of Apure, in the republic of Venezuela.

At this place General Juan B. Garcia, the president of the State of Apure, demanded transportation for himself, seven officers, and fifty-one soldiers, with their military material, to be taken at the usual rates of passage and freight stipulated for in the charter of the said corporation, and to be landed at any point which he might direct within the limits of the said State of Apure, assurance being given that it was merely intended as a corps of observation, no insurgent enemies having established themselves at any point upon the route of the steamer. Under these representations and circumstances the officers, men, and military material were embarked, and on the 17th of October the steamer proceeded upon her voyage up the Apure river.

At about seven o'clock on the evening of the 18th of October the steamer reached the port of Apurito, in the said State of Apure, one of her regular stopping places, and at which passengers and freight were to be landed. The captain, not suspecting any danger, and as it was quite dark and considered imprudent to run at nights with the existing stage of water in the river, ordered the boat to be tied up until daylight, which was accordingly done, hawsers being made fast to trees on shore from the forward and after parts of the main deck, together with the chain cable from the bow; the forward and amid-ship gang-planks run ashore, and preparations commenced for landing cargo. At this moment General Garcia ordered thirty men to be disembarked, and while this was being done, most of them having landed, and a few remaining on the gang-planks, a heavy and sustained firing was suddenly opened upon the steamer from a force of insurgents ambushed upon the shore. Immediately upon the commencement of the firing, the military officers ran to cover, leaving their men, who, retreating, clustered about the gang-planks, whereupon the steamer's first officer, Mr. de Brissot, while engaged in pushing them ashore that he might clear the decks and cast off the fastenings of the steamer, was struck in the head by a ball from the shore party and severely wounded. He passed up the saloon deck, and while urging General Garcia to go down to the main deck and take command of his men, as their officers had all disappeared, and he, Brissot, wished to cast the boat loose and save the lives and property on board, received a second shot in the breast from the shore party, and fell dead. At about the same time portions of the steam-pipes on the main deck having been cut by balls, and it being necessary to start the water into the boilers, as the boat was exposed to great danger of blowing up, the third engineer, Mr. Stackpole, while engaged in these duties, exposed to a heavy fire from the shore, received a ball through his right arm. The greatest confusion now reigned on the main deck; the military officers having generally secreted themselves, the soldiers took to such cover as they could find, keeping up a desultory fire on the enemy ashore, while the volleys from the shore were heavy and constant, being mainly directed to the saloon deck, where it must have been well known none but passengers and non-combatants would be placed. A party from the shore, also, held the fore-castle of the steamer, rendering it impossible to cast off the chain cable. The only persons on board remaining at their posts of duty seem to have been the captain and first and third engineers, who were upon their regular watch at the engines. Somewhere between the hours of 10 p. m. and midnight Captain Hammer, finding that it was hopeless to expect any action to be taken by the military officers on board, and deeply solicitous in regard to the lives and property intrusted to his charge, decided to go on shore and endeavor to prevail on the officers of the insurgents to suspend firing. This resolution he carried out with the most self-sacrificing gallantry, landing in the midst of the firing from both parties, and having met one of the insurgent officers, was proceeding up the bank, having taken his arm, and engaged in earnest conversation, when he fell dead, pierced by a ball through the body.

During the night General Garcia was re-enforced by about 60 men, who reached the steamer in canoes, but they all retreated to the same cover with those on board, and no attempt was made to attack the party on shore. About half-past two o'clock on the morning of the 19th the fire from the shore having slackened somewhat, Mr. Caulfield, first engineer, succeeded in inducing General Garcia to order the boat to be cast loose. He accordingly offered a reward of \$100 to any one accomplishing the service, and one of his officers with one of the passengers finally effected it, both being severely wounded, one since dead. The steamer drifted out into the stream, and came to anchor about a quarter of a mile below the scene of action. About 6 o'clock in the morning Mr. Caulfield went ashore in the steamer's yawl, found the captain's body, and made arrangements for having it properly interred, when he returned to the boat. At 7 o'clock General Garcia embarked his men in canoes, and abandoned the steamer, the excellent shelter they had found being established by the fact that though over one hundred men had been exposed to an almost uninterrupted fire at close quarters for more than seven hours, but one was killed and only six wounded. When the boat had reached a safe position they laid on their oars, gave three cheers and retreated down the river. Mr. Caulfield again went on shore after the departure of General Garcia, had an interview with the insurgent leaders, General Sosa and Juan Santos Mendez, found that no objection would be made to the steamer's landing, and upon returning on board the landing was made, passengers and freight discharged, the funeral of the captain and first officer

properly attended by their surviving comrades, and upon the evening of the 19th the steamer proceeded on her voyage to Nutrias.

In view, therefore, of this recital of facts the undersigned, consuls of foreign powers, merchants engaged in business in Ciudad Bolivar and with the interior ports, and strangers temporarily resident in this portion of the republic, enter their solemn protest, in the name of humanity and international right, against such wanton sacrifice of valuable lives, such exposure to deadly peril of innocent passengers, women and children, such reckless disregard of the rights of neutral property, and such interruption to trade, commerce, and enterprises of internal improvement. Uniting, therefore, unanimously in the following resolutions:

Resolved, That in the death of Captain John W. Hammer, for sixteen years so intimately associated with this great enterprise of steam communication with the interior, a man so energetic in purpose, so gentle and generous in disposition, and so honorable and disinterested in all his transactions, this community has experienced an irreparable loss, and each of us, individually, a valued and tried friend. That while we mourn his loss, there is alleviation in the consideration of the noble courage and intense devotion to duty evidenced in that closing scene of his life, when, mindful only of the interests of the defenceless, he fell in the endeavor to secure their safety.

Resolved, That our sincere sympathies be tendered to Mrs. Hammer and Mrs. de Brissot, with their families, in view of this overwhelming affliction which has so suddenly fallen upon them.

Resolved, That the thanks of the merchants of this city, and the passengers on board the steamer Apure, are due and are hereby tendered to Mr. Canfield, first engineer, and Mr. Stackpole, third engineer, for their courageous attention to duty throughout that perilous night; as also to Mr. Salom, the secretary of the steamer, for his unwearied exertions and attention to the commercial interests so unexpectedly devolving upon him in the resumption and prosecution of the voyage of the steamer.

Resolved, That a copy of this preamble and these resolutions be presented to his excellency General José L. Arismendi, with the thanks of this meeting for his prompt and energetic measures towards a thorough examination into the details of this outrage, coupled with the assurance that confidence is placed in his determination and ability to establish security, maintain order and administer justice throughout the boundaries of his presidency of Guayana.

Resolved, That copies shall also be presented to the consuls of foreign states here represented, with the request that they be forwarded to their respective governments.

Resolved, That the same shall be published in the Spanish language in the daily papers of this city.

JOHN DALTON, *U. S. Consul, President.*

L. PLASSARD,

Vice-Consul of France, Vice-President.

KENNETH MATHISON,

H. B. N. Vice-Consul.

H. KROHN, *Consul of the Hanseatic Cities.*

H. COURLAENDER,

Vice-Consul of Denmark.

ANTO. BATALLA, *Vice-Consul of Spain.*

CHRISTIANO VICENTINI,

Consular Delegate of Italy.

DESTEIN, *Vice-Consul of Brazil.*

C. VANSELOW, *Consul of Prussia.*

ANTO. DALLA COSTA,

Consul of Sweden and Norway.

ADOLP VINNEN, *Consul of Hanover.*

T. FELDHOUSEN, *Consul of Oldenburg.*

M. PLESSMANN,

Acting Vice-Consul of the Netherlands.

THEO. MÖNCII, *Hamburg.*

R. GROSS, *Bremen.*

L. BROCKMANN, *Lubeck.*

H. HOLST, *Hamburg.*

J. B. AUSTIN, *New York, U. S.*

A. VOZELIUS, *Denmark.*

WILLIAM DALTON, *Brooklyn, U. S.*

D. M. BATTISTINI, *France.*

H. SPRICK, *Hanover.*

FELIX CAZABAT, *France.*

OSCAR G. D. MONCH, *Hamburg.*

HERMAN R. MONCH, *Hamburg.*

A. KOENITZER, *England.*

H. LARRIEU, *France.*

JOHN WULFF, *New York, U. S.*

F. UMLAUFF, *Hamburg.*

F. PRAHL, *Lubeck.*

H. HUGUENIN, *Cassel.*

THEO. ALDAG, *Hamburg.*

CARLOS ARNESEN, *Denmark.*

HERM. BOLLAND, *Bremen.*

A. VAUDAIS, *France.*

ALEX. MCCALLUM, *Maine, U. S.*

L. MORGAN DAVIS, *Philadelphia, U. S.*

J. M. PERFETTI, *France.*

A. BURATTO, *Italy.*

C. FRUSTUCK, *France.*

LOR. LORENZEN, *Hamburg.*

C. A. SOULE, *France.*

On motion of the British consul, seconded by the consul of the Hanseatic Cities, the preamble and resolutions were unanimously adopted, and afterwards signed by the gentlemen present; whereupon Mr. Krohn moved the following:

Resolved, That the merchants and citizens of this place be requested to unite in a subscription for the erection of a monument upon the public esplanade of this city, to the memory of Captain John W. Hammer, and that a committee be appointed to collect subscriptions, procure from the authorities a suitable location, and attend to the purchase and erection of the memorial.

This resolution having been passed unanimously, the chairman named Mr. Krohn, Mr. Antonio Dalla Costa, and Doctor Passard as members of the committee, and the meeting thereupon adjourned.

J. B. AUSTIN, *Secretary.*

CIUDAD BOLIVAR, November 12, 1865.

D.

Mr. Culver to Mr. Seijas.

LEGATION OF THE UNITED STATES,

Caracas, January 20, 1866.

SIR: It is near two months since the undersigned was assured by your excellency, in your note of the 25th of November last, that the government of Venezuela had ordered an investigation as to the cause of the death of Captain J. W. Hammer, and other citizens of the United States, at Apurito, on the Upper Orinoco.

The undersigned has been informed that such an investigation has been had at Ciudad de Bolivar, and the depositions touching the same taken before the judge of the first instance, and forwarded to Caracas; and the undersigned has waited with some surprise at the delay to be advised, as your excellency had assured him he should be, of the result of that investigation, and of the opinion and purposes of the government touching the same.

The undersigned has been pained to notice not only the entire silence of the press in this capital supposed to represent the views of the government, as to the facts and character of that outrage, but also the silence of the government itself.

The undersigned has seen, as he has no doubt the government has, the testimony taken on that investigation. No doubt can remain as to the character and atrocity of the outrage. These unoffending citizens were plying their legitimate vocation in the waters of Venezuela under the invitation and promised protection of its authorities. They had violated no law, were parties to no plot or treason, and no crime or offence was imputed to them, when they were fired upon by an armed body of rebel forces, commanded by insurgent chiefs, and their lives wantonly sacrificed.

And as some weeks have transpired since the facts established on the investigation have been before the public and the government, the undersigned deems it his duty to inquire of the government whether it has ordered the arrest and trial of those chiefs; what action it has taken or purposes to take in the premises. The undersigned can hardly believe it possible that the authorities of Venezuela should allow this outrage to go unredressed; these murderers to go unwhipped of justice. What adds to the pain and solicitude of the undersigned is the report that comes to him that the insurrectionary party committing these murders has been recognized by the general government as the legitimate government party in the State of Apure.

The undersigned will wait with anxiety to be advised, in reply to this note, of the action and purpose of the government of Venezuela, to the end that he may communicate with his government; and in the mean time he renews to Mr. Seijas the assurance of his distinguished consideration.

E. D. CULVER.

His Excellency Señor RAFAEL SEIJAS,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Culver to Mr. Seward.

No. 145.]

LEGATION OF THE UNITED STATES,

Caracas, February 27, 1866.

SIR: I had the honor to receive, on the 15th January last, your despatch No. 113, of date 30th November, touching the provision for payment of interest in the convention proposed to be made with Venezuela. Owing to the long and severe illness of the minister of foreign affairs, I did not communicate to him your instructions therein contained until the 1st instant. On receiving my note containing them, he placed the same before the President, and I was promised an early interview with the latter.

But it was not until to-day, at a late hour, that I obtained such interview, and as this note must be despatched this evening to reach the ship which sails to-mor-

row, I must necessarily be brief in what I have to communicate touching that interview.

He seemed fixed in his determination not to stipulate for the payment of six per cent. interest on the award of the commission, urging as his chief and earnest reason therefor, that if allowed to the United States, his government will have to allow at the same rate to every other government; that he had liquidated the claims of all or nearly all the other governments, but had not yet agreed with them as to the manner of payment, hoping to be able to have the convention with the United States to present to them as a precedent; that if compelled to pay interest at the rate of six per cent. on the exorbitant claims of France, Spain, Great Britain, and Netherlands, his government could never get beyond the payment of interest.

Of course I met his arguments with such replies as I thought appropriate, basing them chiefly on the reasons set forth in your No. 113. After considerable conversation he said he would be willing to pay two per cent., the amount provided for in their bonds for internal consolidated national debt. But beyond that he seemed resolved not to go.

He said in the course of his remarks that the commission could be authorized to take into consideration, in awarding damages, the length of time given for payment, which I accepted as meaning that they might make the principal large enough to cover the interest.

I informed him, however, that under your instructions I could not accede to any of his propositions, and must insist on interest at the rate of six per cent.

We thus left the matter, he begging me to write you at once to see if your instructions could not be modified, and not have the convention fail. I, however, gave him no encouragement to hope for a modification of your views, informing him it would require some fifty days to get your reply.

Thus the interview was terminated. My opinion is the government of Venezuela will allow the convention to fail rather than agree in terms to pay six per cent. interest.

I am further of the opinion, as expressed in my No. 136, that with a provision inserted that the commission may, in awarding damages, take into account the length of time for payments, that we should be morally certain of our interest.

If possible I should be pleased to hear from you by return ship.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER,

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Culver.

No. 115.]

DEPARTMENT OF STATE,

Washington, March 2, 1866.

SIR: I have received your despatch, No. 143, of January 25th last, and its accompaniments. In that despatch you report the circumstances of an attack made by an armed body of insurgents of Venezuela upon the American steamer Apure, in the upper waters of Orinoco, and the killing of Captain J. W. Hammer and J. Brisson, and Philip Caulfield, first engineer, citizens of the United States.

You have brought this affair to the notice of the Venezuelan government with a view to an investigation and the speedy punishment of the guilty parties, but in consequence of having failed to elicit from that government the prompt and decisive action which the importance of the subject demands, you ask for instructions touching the matter.

You will, therefore, inform the government of Venezuela that you are instructed by your government to say that the United States deems it right to ask that the offenders be brought to trial, and that prompt provision be made to indemnify the widows or the representatives of the sufferers. You will also express regret at the delay and apparent inattention of the Venezuelan government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. D. CULVER, Esq., &c., &c., &c.

Mr. Culver to Mr. Seward.

No. 146.]

LEGATION OF THE UNITED STATES,
Caracas, March 10, 1866.

SIR : I have the honor herewith to enclose to you a copy of the annual message of the acting president of Venezuela to the congress.

I have not deemed it necessary to translate the whole document, but only the paragraph relating to the United States ; the latter is herewith transmitted to you. After alluding briefly, as you will see, in the preceding paragraphs to arrangements with France and Spain, he adds the third, which I have translated, and to which your attention is respectfully invited.

The paragraph fairly translated I think would seem to warrant the inference that I had agreed to rely solely on the proportional share of the United States in the ten per cent. fund mentioned in the message for payment of the award. I have taken care to come to no such agreement. I have expressed myself disposed to treat our share of that fund as security, *pro tanto*, for the payments of accruing instalments, but insisting that any deficiency must be provided for, and met in other ways.

It should be further observed that the message was written and completed before my last interview with President Guzman, of which I gave you an account in my No. 145, and hence before his offer of two per cent.

Events and conversations with the minister of foreign affairs since that interview, and since the delivery of the message, lead me to doubt whether I shall ever be able to conclude a convention within the line of the instructions conveyed in your No. 113.

In the event of the failure of the convention, I would be glad of definite instructions as to demanding settlement for long pending claims.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

"The third arrangement is that with our decided friend, the government of the North American Union. We have agreed on the appointment of a mixed commission which shall examine the proper documents and fix the amount of indemnity in each case, the aggregate amount to be paid to the American government out of the proportional share of the ten per cent. of income duties on imports, set apart by the law of public credit for diplomatic indemnifications.

"The point is yet undetermined, yet the question is of interest. Both governments have insisted tenaciously, the one in demanding it, the other in refusing to pay anything beyond the principal found due ; but I trust to be able to lay before congress, ere its close, the treaty.

"The discussion with the plenipotentiary of the great republic of the north has never for a moment lost sight of the track of reason and equity, so necessary to those of the south, who being young, are, for that reason, exposed to all the obstacles, frailties, and dangers of infancy."

Mr. Seward to Mr. Culver.

[Extract.]

No. 118.]

DEPARTMENT OF STATE,
Washington, April 16, 1866.

SIR: I have received your despatches of the 27th of February, No. 145, and of the 10th of March, No. 146, the latter of which is accompanied by a copy of the annual message of the President to the congress of Venezuela, for the year 1866.

I notice the comments which you have made upon so much of that paper as relates to the claims of citizens of the United States upon the republic of Venezuela, and to the negotiations of a claims' convention. I approve of the positions taken in those comments. You say, with apparent reason, that you have doubts whether you will be able to conclude such a convention within the line of the instructions conveyed in my No. 113.

You ask further instructions as to the course to be pursued in the event of such a failure. I have the honor to say in reply, that trusting to the justice and friendship of the republic of Venezuela, this government proposes to await its final answer, reserving itself for the present as to future proceedings.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. D. CULVER, Esq., &c., &c., &c.

Mr. Culver to Mr. Seward.

No. 151.]

LEGATION OF THE UNITED STATES,
Caracas, April 25, 1866.

SIR: I have the honor to inform you that the convention for the settlement of all claims of our citizens against the government of Venezuela, by means of a mixed commission, has this day been concluded and signed by the minister of foreign affairs and myself.

Our convention with Ecuador was adopted substantially as the basis of the present one, the foreign minister consenting to adopt the modification proposed by me, as communicated to you in my No. 124; also all the modifications suggested by you in your No. 110, except the one naming the rate of interest. As to that and the question of interest generally, I would say, that after several weeks earnest effort to come to an arrangement on that point in conformity with your instructions in No. 113, I gave the matter up, concluding the convention must fail. I was aware President Guzman was preparing to vacate his office and go to Europe, and that Congress was soon to elect one to his place who would be a stranger to the whole negotiation, and with whom the entire ground would have again to be travelled over. I pressed all this upon his consideration, together with the fact, that on the failure of the convention my government would feel that it had just cause of dissatisfaction at the want of attention to our claims.

He finally directed his minister to say to me, that if I would consent to five per cent. interest, payable semi-annually, on the whole amount awarded, the convention should be signed, otherwise it must fail. I then informed the minister that, as himself and the President were aware of your instructions as to six per cent., I would take the responsibility of agreeing to the five per cent. and of

recommending its approval to my government; but all on the condition, and with the understanding, that unless it should have your approbation it should not be held obligatory. These conditions were acceded to and the convention signed.

All the claimants with whom I have conferred are well satisfied. The fact that in the case of Ecuador five per cent. was accepted by the United States, had its influence with President Guzman in making, and with me, in finally accepting, that rate in the present convention.

I trust, therefore, as semi-annual interest is provided for on the whole amount, that under all the circumstances the convention, as concluded, will have the approbation of my government, and to that end I earnestly recommend its ratification.

I shall avail myself of the very first opportunity to forward you a duplicate of the convention, in order, if approved, it may be laid before the Senate before its adjournment. The Venezuelan congress is yet in session, and I have the assurance of the foreign minister that no time shall be lost in placing the convention before that body for its ratification.

Having now obtained the great object for which, during the last three years, I have been laboring, I shall hope, with greater confidence than before, that my request to be recalled, as indicated in my No. 148, will be granted, or that my resignation, when made as suggested in my No. 147, will be accepted, preferring the former to the latter.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Culver to Mr. Seward.

No. 152.]

LEGATION OF THE UNITED STATES,
Caracas, May 3, 1866.

SIR: I have the honor to inform you that on the 29th ultimo General Falcon made his entrance into the capital from his residence in the country, and yesterday resumed the functions of the office of chief magistrate of the republic.

General Guzman, who has acted as President most of the time since November, 1864, retires from the office, and takes his seat as a member of congress from the federal district, having also been appointed commander in chief of the army.

General Falcon has appointed a new cabinet, placing Mr. Seijas at the head of the department of foreign affairs ad interim.

I have no expectation that General Falcon will long continue to administer the government. He will, in all probability, as he has three or four times done already, retire again to his country seat in the interior, leaving the first designado to act as President.

I have the honor to be, with sentiments of highest respect, your obedient servant,

E. D. CULVER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Wilson to Mr. Seward.

[Extract.]

No. 1.]

LEGATION OF THE UNITED STATES,
Caracas, October 8, 1866.

SIR: I beg to inform the department that I arrived in this city on the 29th day of September last, after a long and disagreeable voyage from Philadelphia.

On our arrival off La Guayra we were notified of our being under sanitary surveillance. We were thus quarantined for three days, at the expiration of which time an order came from the government permitting the passengers to land.

On the 3d instant I addressed a note to Señor Rafael Seijas, the minister of foreign relations, stating my arrival, and informing him that I was the bearer of a sealed letter from the President of the United States to the President of Venezuela, (an open official copy of which I forwarded to him at the same time,) and asking him to designate a convenient time and place when I could, in an audience with the supreme chief of the United States of Venezuela, place the same in his hands. (A copy of this note I enclose, marked "enclosure No. 1.")

* * * * *

I have the honor to be, with sentiments of great respect, your obedient servant,
JAMES WILSON.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

Mr. Wilson to Mr. Seijas.

ST. AMAND'S, *October 3, 1866.*

Mr. James Wilson presents his compliments to the honorable Rafael Seijas, minister of foreign relations of the United States of Venezuela, and has the honor to inform him of his arrival in the city of Caracas, bearing a sealed letter, an open official copy whereof is herewith transmitted, addressed by the President of the United States of America to the President of the republic of Venezuela, accrediting Mr. Wilson as minister resident of the United States near the government of Venezuela.

Mr. Wilson, in pursuance of his instructions, begs to request the honorable the minister of foreign relations to designate a convenient time and place at which he may have the honor of presenting such original letter of credence in person to his excellency the Supreme Chief of the United States of Venezuela.

Mr. Wilson takes advantage of this his first opportunity cordially to salute the minister of foreign relations, and to tender him the assurance of his most distinguished consideration.

Mr. Wilson to Mr. Seward.

No. 2.]

LEGATION OF THE UNITED STATES,
Caracas, October 11, 1866.

SIR: Since my first letter, announcing my arrival to the minister of foreign relations, I have been verbally informed that the delay in my official reception arose from the fact that his excellency General Leon Colina, the primer designado, in exercise of the presidency of the republic, has been, together with the greater number of the cabinet, called to Puerto Cabello to meet his excellency Marshal Falcon, President of the republic, who did not intend visiting the capital.

Immediately on the return here, on the 9th instant, of the primer designado, I received a very courteous note from the minister of foreign relations, fixing my reception for the following day (yesterday) at one o'clock. I replied, forwarding a copy of the remarks which I proposed making on my reception; a further copy of which I enclose herewith marked "enclosure No. 1."

Yesterday at the hour named I presented myself at the government palace, and was immediately received by the minister of foreign relations, who, shortly afterwards, introduced me to the presence of his excellency the primer designado, who was surrounded by his cabinet.

After delivering my remarks, to which his excellency duly replied, (a copy of whose remarks I enclose, with translation, marked "enclosure No. 2,") some purely complimentary conversation ensued, and I took my leave, well pleased with my reception.

The primer designado and his cabinet were very friendly, and the sentiments they expressed breathed the strongest desire to show their good will to the United States.

To-day I have visited the *chargés d'affaires* of the different powers represented here, (as has been the custom of other United States ministers,) and have had the satisfaction of meeting with them all, and of being cordially welcomed.

I have the honor to be, sir, your obedient servant,

JAMES WILSON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

YOUR EXCELLENCY: In placing in your hands the autograph letter of the President of the United States, accrediting me as minister resident near the government of your excellency, I am pleased with the opportunity it affords me to assure your excellency of the friendship, regard, and high esteem entertained for you personally, and the people of Venezuela, by the President and government of the United States.

It is likewise my gratifying privilege to express to your excellency the earnest desire of the government of the United States that the harmony and good will now happily subsisting between the two countries may be so cultivated and continued that the interests and welfare of both may be effectually promoted, and peace ever firmly unite the lands of Washington and Bolivar.

In conclusion permit me to offer my congratulations to your excellency upon the order and dignity which have so highly distinguished your administration, and to proffer my best wishes for the increased prosperity and happiness of the people of the United States of Venezuela.

No. 2.

[Translation.]

SEÑOR MINISTRO: With great pleasure I receive from your hands the letter of his excellency the President of the United States, accrediting you as minister resident of that country in Venezuela.

If at all periods the first republic of America has been able to count upon the sympathies and the esteem of this people and this government, to-day she has augmented her titles to our consideration, not alone because we have seen her grand in danger, subduing one of the most powerful rebellions which history tells of, but also because the Union cause has completely eradicated an evil capable of producing most fatal consequences, but which can now never rise again.

In manifesting myself pleased with these victories of the civilization and high qualities of your country, I assure you that the cultivation of the amicable relations which unite her to Venezuela has been and shall continue to be the object of particular care for the government of the federation.

You have recalled names which we can never hear pronounced but with veneration and gratitude.

Yes! the memory of Bolivar and Washington, the two majestic figures of American independence, will ever maintain alive in both republics the sentiment that gave it birth, and I cherish the hope that it will ever keep them friends.

I am sincerely grateful to you for the wishes you manifest for the greater prosperity and welfare of the United States of Venezuela, and for the expressions of exquisite courtesy with which you speak of my administration and of my person.

Mr. Wilson to Mr. Seward.

No. 4.]

LEGATION OF THE UNITED STATES,

Caracas, October 23, 1866.

SIR: I have the honor to inform you that on the 11th instant I addressed a note to the minister of foreign relations, Mr. Seijas, informing him that I was the bearer of a "convention between the United States of America and the republic of Venezuela, on the subject of the claims of citizens of the United States," signed on the 25th day of April, 1866, and asking that as early a day as possible might be named whereon to exchange, with some person duly authorized by the government of Venezuela, the ratification of such convention of the President of the United States for that of the President of Venezuela, a copy of which note I enclose herewith, marked "enclosure 1."

On the following day I received a reply from Mr. Seijas, stating that the ratification I had asked for could not take place at present, giving as reasons—

1st. That the executive was not authorized by the federal constitution to ratify or exchange diplomatic conventions, unless they had previously received the approval of Congress, (which, of course, I well knew;) and,

2d. That Congress having adjourned on the 10th of May following, there was not time for the three necessary discussions to take place upon the approval of such convention, after its signature.

A copy of this reply, together with its translation, is herewith enclosed, marked "enclosure 2."

Satisfied in my own mind, from an examination of the papers of the legation, and also knowing it was the belief of our government that the convention was to be approved by the congress in session in Caracas, at the time such convention was signed, and understanding how prone the government of Venezuela was to delay everything like a settlement of its accounts, I addressed a second note to Mr. Seijas, on the 18th instant, in which I expressed my disappointment and regret at the non-ratification of the convention, and concluded by saying that I would refer copies of the three notes (viz: mine of October 11, 1866, Mr. Seijas's reply of October 12, and my rejoinder of October 18) to the department and await its further instructions in the matter. (A copy of this note, marked "enclosure 3," is herewith enclosed.)

I would respectfully call attention to the fact that by the neglect of the Venezuelan government to ratify this convention at the last session of congress they have gained eight or nine months' time, thus putting the American claimants here to considerable expense, besides causing an immense deal of vexation. I fear that this is but the beginning of a series of annoyances and delays, which in the future, as in the past, will be continued interminably.

The leniency shown to Venezuela by the United States has been misunderstood by this government, and resulted to the disadvantage and prejudice of American claimants.

I do not know to what extent the government of the United States has heretofore interfered to compel the payment of the claims of its citizens, but I am convinced that to accomplish anything in this respect here it will be necessary to adopt a policy which will prove to the Venezuelan government that the United States are determined to enforce the liquidation and settlement of those claims of their citizens in which they can officially intervene.

The governments of France and Great Britain, by such a course, have already succeeded in securing the payment of large sums to their people, and if I am not mistaken the government of Spain has done likewise.

With much respect, I have the honor to be your most obedient servant,

JAMES WILSON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

*Mr. Wilson to Mr. Seijas.*LEGATION OF THE UNITED STATES,
Caracas, October 11, 1866.

SIR: The undersigned, minister resident of the United States, has the honor to inform your excellency that he is the bearer of a "convention between the United States of America and the republic of Venezuela on the subject of the claims of citizens of the United States," signed on the 25th day of April, 1866, and which convention has been duly ratified by the Senate, and approved by the President of the United States of America.

The undersigned is also authorized by the President of the United States to effect with any one duly authorized by the government of Venezuela for that purpose the exchange of his ratification for that of the President of Venezuela to such convention.

The undersigned begs that the minister of foreign relations will name as early a day as possible to exchange with him the said ratification, and takes this opportunity of renewing to his excellency the assurance of his most distinguished consideration.

JAMES WILSON.

His Excellency Señor RAFAEL SEIJAS,
Minister of Foreign Relations, &c., &c., &c.

No. 2.

Mr. Seijas to Mr. Wilson.

[Translation.]

UNITED STATES OF VENEZUELA—DEPARTMENT OF FOREIGN RELATIONS—CENTRAL
SECTION—NUMBER 457.CARACAS, *October 12, 1866,*
Year three of the law, and eighth of the federation.

The undersigned, charged with the ministry of foreign relations of the United States of Venezuela, has had the honor to receive and submit to the consideration of the executive of the nation the note of the minister resident of the United States of America, of yesterday's date, touching the convention which was signed between both countries on the 25th of last April. Mr. Wilson therein states, that having been approved by the Senate of his country, it received the ratification of the President, which he holds, and asks that a day may be named whereon to exchange such ratification for that of the President, of Venezuela.

This cannot be done yet. Here, by the federal constitution, the executive has not the power to ratify or exchange diplomatic conventions unless they have previously been approved by congress.

For the purpose of asking this (approval) the act in question was submitted to it (congress) on the 27th of April. The debate upon it was commenced in one of the legislative chambers, or, it is thought, it received the first discussion by virtue of a favorable report of the committee on foreign relations.

But as congress adjourned on the 10th of May following there was not time for the convention to obtain in each chamber the three necessary discussions upon it. This being so, the result must be awaited for, in the next session of congress, which will open on the 20th of February 1867.

On his part the executive will contribute to the desired end with new and earnest endeavors, which he hopes will operate on the minds of the legislators. The convention once perfected, there will be no difficulty in acceding to the request of the minister, nor in carrying out its furthest stipulations.

The undersigned takes advantage of this opportunity to renew to Mr. Wilson his distinguished consideration.

God and federation!

RAFAEL SEIJAS.

No. 3.

*Mr. Wilson to Mr. Seijas.*LEGATION OF THE UNITED STATES,
Caracas, October 18, 1866.

Sir: The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of a note from your excellency, dated October 12, 1866, in reply to one from him of the 11th instant, in which the undersigned asks for a day to be appointed whereon to

exchange with some person fully empowered by the President of Venezuela the ratification of a convention on the subject of the claims of citizens of the United States, of which convention as well as the ratification thereof, on the part of the United States, the undersigned is the bearer.

In your excellency's note it is stated that this exchange of ratifications cannot take place at present, giving as reasons that the federal constitution does not authorize the executive to ratify or exchange diplomatic conventions unless they have previously obtained the approval of congress, that the said convention between the United States and Venezuela was immediately placed before congress, but as that body adjourned on the 10th day of May following (the convention having been signed on the 25th of April last,) there was not sufficient time for the three necessary discussions to take place upon it in each of the legislative chambers.

Under these circumstances the undersigned cannot but express his disappointment and regret, for, owing to the information received by the United States government, he is convinced that that government was under the impression that the convention was to be ratified at once by the congress then in session in Caracas, and acting under the impression that the act necessary had been obtained, the undersigned was delayed by his government to be the bearer to Venezuela of the ratified convention on the part of the United States.

Such being the understanding of his government, from information furnished by its last representative in Venezuela, it seems clear to the undersigned that the United States have just cause to complain of the non-fulfilment of its obligation by the government of Venezuela; for although the executive may have carried out its portion of the contract, the legislative, which is a co-ordinate branch of the government, has certainly failed in its obligation to approve the act of the executive, notwithstanding that fifteen days of the unexpired term of congress still remained after the signing of the convention.

The claims to regulate which this convention was sought are of long standing and of large amounts. If they are unjust claims it is due to Venezuela that they be so decided at once; if they are just, it is equally due to the American claimants that they be adjudicated upon without further delay.

The undersigned will submit to the United States government a copy of his note of the 11th instant, together with the reply of the minister of foreign relations, as also a copy of this note, and will await its further instructions in the matter.

The undersigned renews to Mr. Seijas the assurance of his most distinguished consideration.

JAMES WILSON.

His Excellency Señor RAFAEL SEIJAS,
Minister of Foreign Relations, &c., &c., &c.

Mr. Wilson to Mr. Seward.

No. 6.]

LEGATION OF THE UNITED STATES,
Caracas, November 3, 1866.

SIR: On the 28th ultimo, that being the day set apart by the government of Venezuela for the celebration of the anniversary of the birth of "the liberator," Simon Bolivar, the diplomatic body was received by General Leon Colina, the executive in charge of the republic, and the cabinet, in the government palace, at 11 o'clock a. m.

On this occasion, as the representative of the diplomatic body, I delivered the congratulatory address, in my colleagues' name and in my own, to the government.

This address (a copy of which I enclose, marked enclosure 1) has, I am happy to say, met with general commendation.

The spectators with whom the reception hall was crowded manifested their approval, during its delivery, by repeated and enthusiastic applause.

The copy of the reply of his excellency the primer designado (General Colina) is herewith enclosed, marked enclosure 2.

As appertaining to the events of the day, I also forward a newspaper slip taken from an editorial article in "El Federalista," the leading journal of Venezuela. This enclosure, with its translation, is marked enclosure 3.

With much respect, I have the honor to be, sir, your obedient servant,

JAMES WILSON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

YOUR EXCELLENCY : I am happy that it has devolved upon me to offer, in the name of my colleagues of the diplomatic body, and in my own, our congratulations to the government on this, the commemorative festival of Venezuela's noblest son—the hero, patriot, and sage—the illustrious Simon Bolivar, father and liberator of the South American republics.

Scion, as he was, of a noble family, nurtured in the lap of luxury, highly educated and highly endowed, he devoted himself, his talents, and his wealth to giving to his native land the blessed boon of liberty.

With everything to lose in the way of position, wealth, and worldly honors, he strove, with a noble ambition, to free his beloved land from the chains which bound her to a distant kingdom, and trusting in justice and in his God, he happily and gloriously succeeded, leaving to a grateful posterity to erect that monument to his memory which, more lasting than monumental marble, shall live forever in the hearts of his countrymen.

Happy should Venezuela be to have given birth to such a man ; but although Venezuela claims him as a son, all men claim him as a brother, for the character, the deeds, and inspirations of Bolivar, in making him the friend of his fellow men, made him likewise a citizen of the world.

Here are gathered about you, sir, the representatives of different nations, of empires, kingdoms, and republics, and not one—I am sure I speak their feelings, as my own—not one who does not sincerely feel that the glory of Bolivar is a just and true glory, deriving its halo from the purest motives which could actuate the human breast, and who does not fully appreciate the respect and veneration in which his memory is held. For, as a gentleman, he he was polished and courteous ; as a statesman, he was profound ; as a leader, he was humane ; as a soldier, he possessed the happy faculty of animating others with his own indomitable courage and perseverance, until even his enemies themselves declared that he was more to be feared after a defeat than after a victory ; in a word, he was one of nature's noblemen, his every aspiration and every hope, honor and liberty !

Once again, your Excellency, I beg to renew to you the congratulations of the diplomatic body, and to express the hope that the institutions of Bolivar, built on the foundation of his genius, and cemented by the blood of so many heroic men, may be as lasting as the great hero's memory, and endure forever !

No. 2.

[Translation.]

MR. PRESIDENT OF THE DIPLOMATIC BODY : With careful attention I have listened to the congratulations which, in your own name and in that of the other members of the diplomatic body here present, you offer to the government on this day, which the nation has consecrated to the memory of the liberator. A knowledge of our history, and in particular that of Bolivar, elevated and impartial judgment of his motives and his deeds, the qualification of his titles to the gratitude of human kind, that eloquent enthusiasm which the love of liberty inspires, all this and more are revealed in the bold sketches with which you describe the sublime gifts and glories whose remembrance crowd upon our agitated minds.

It is for me a pure satisfaction to see how the illustrious nations on whose part you speak—and who it cannot be supposed under the powerful influence of love of country—have on this solemn occasion done that full justice to his noble cause, to the man of South American liberty, to be doubtless continued and affirmed by posterity. After having listened to you, I feel more than ever proud of being a Venezuelan, a compatriot of Bolivar, and I regard as a special favor of Providence that it has been given to me to hear from your lips that brilliant testimony of the appreciation in which you hold his work, and your kind wishes for its perpetual preservation.

Not less will the great citizen marshal (Talcón) be delighted ; he who admires almost to idolatry the eminent son of Caracas, whose example has taught us to venerate him (Bolivar,) whose honorable conduct towards the witnesses and companions of his dangers is known to all, and whose particular words, even yet ringing in our ears, with which he addressed one who consoled the hero in his last hours, are like the far echo of the sentiments with which, saving the distance, he comes to share in the national rejoicing.

Great must seem to him who contemplates it the magnitude of the task which Bolivar accomplished, the extraordinary obstacles opposed to him, the never discouraged, never receding energy with which at all times, vanquished or conqueror, he held aloft his torch, his high-minded perseverance, such as it was necessary for him to have who would happily redeem a continent bowed down for more than three centuries in bitter slavery.

To have broken the foreign chains which bound us, raise us to free and independent democratic existence, to have enrolled us among the nations of the earth, and opened to us the roads of progress ; this is what we owe to Bolivar, this is what makes us so grateful to his

memory. Well have you said, that memory will live immortal in the heart of every Venezuelan, his worthiest, most precious, and most durable monument.

Permit me to call to memory that it was in the land of Washington where first appeared the dawn of liberty; that thence it irradiated towards the east and the south, since when its glories bathe, while magnifying them, the regions of the Old and New Worlds.

The government of the United States of Venezuela will know how highly to esteem, and will ever be incapable of forgetting, the very expressive manner in which the countries you represent have joined you in paying a tribute of respect to the gigantic leader of South American independence.

No. 3.

[Translation]

Let us make mention of a happy circumstance. The speech which, in the name of the diplomatic body, congratulated the chief of the executive administration, and in his person the republic and America, was that of the minister of the United States of the north, who naturally gave to the discourse all the character of a lively expansion of enthusiasm for the memory of the great South American.

It should be known that the diplomacy of the United States is characterized in all and everything by an especial manner, beginning with the dress of their servants, when they choose to make a contrast, with their black coats and round hats, and ending with the manly frankness proper to those who speak in the name of the freest and greatest people on earth.

Thus the discourse of Mr. Wilson was not a discourse of a European or South American diplomat, (we are in all things copyists of Europe,) but a noble and warm exposition of those historical appreciations which the figure of Bolivar presents to all the monarchies and empires represented in ceremony of congratulation, as the classical representative of popular right, and of triumphant heroism in service of that right. It was, then, natural that those who assisted at this ceremony, although out of all rule and custom, should crown with applause the American words of the son of the land of Washington.

Mr. Wilson to Mr. Seward.

No. 7.]

LEGATION OF THE UNITED STATES,

Caracas, November 7, 1866.

SIR: I beg to make known to the department that on the 13th ultimo there arrived at the port of La Guayra, from London, the Venezuelan war steamer Bolivar, lately purchased in that city for this government. She was officered and manned by officers and men, it is said, of the royal navy, who had been granted leave of absence for one year to enter the service of the republic. The contracts made by the consul of Venezuela were such, so far as concerned the officers and crew, that the government felt they could not be complied with under the provisions of the federal constitution, of which Captain Focke was duly apprised. Meanwhile the crew became clamorous for their pay, alleged to be due under the contract.

While these matters were under discussion, and before any conclusion had been arrived at, Captain Focke went aboard his vessel on the evening of the 30th ultimo at about nine o'clock; the Venezuelan portion of the crew was shortly after put into an open boat without oars, and the vessel took flight for parts unknown.

To what extent the captain is personally guilty is here a disputed question, for it is stated by some, on the authority of the Venezuelan sailors, that as soon as he went on board he was locked up in his cabin, and the orders to raise anchor given by the first officer; while by others it is asserted that the captain only carried out his previously expressed determination, to which latter opinion I am inclined.

However it may be, the vessel has disappeared, and the government of Venezuela, as you will perceive from the enclosed translation of a note from Mr. Seijas, dated October 31, 1866, received by me on the 5th instant, (which trans-

lation is marked enclosure 1,) asks that, in case she has taken refuge in the waters of the United States, she may be attached and delivered to her lawful owners.

I have not deemed it necessary to enter into many of the details of this extraordinary transaction on account of their contradictory character, and also because of the full statement of the affair in the communication of the minister of foreign relations, which I submit for your consideration.

With much respect, I am, sir, your obedient servant,

JAMES WILSON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

Mr. Seijas to Mr. Wilson.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS—CENTRAL SECTION—NUMBER 483.

CARACAS, October 31, 1866,

Third year of the law and eighth of the federation.

The minister of foreign relations of the United States of Venezuela has the honor to address the minister resident of the United States, and by order of the executive of the nation make known to the legation the following facts.

The steamer Bolivar, which arrived from London on the 13th of the present month, was purchased in that city, for the republic, on the 31st of January last, with the intention of employing her in its naval service. She was furnished with a Venezuelan commission in that understanding, and brought out an English commander, officers and crew, according to contracts made by the consul of this country in the city of London.

The government could not approve them, as it was agreed, among other things, that Captain John Focke should not be required to serve under the orders of any officer unless he were of the English navy, and of a higher rank than himself, and that in case a change of officers and crew took place the English portion should never be reduced to less than half of their whole number.

It being, moreover, an attribute of the national legislature, according to article 43, paragraph 25, of the constitution, to permit or refuse to foreigners admission into the public service, it was shown to the captain that this was a serious difficulty, and that the only means of remedying it, and avoiding others that might result from their being British subjects, (under the supposition that they continued in employ on other terms,) was that they should renounce their character (cualidad) of foreigners, otherwise the administration resolved to relieve them, paying what it owed them up to the day, according to stipulation maintaining them until an occasion presented itself for their departure, and defraying the expenses of their return home.

The captain assented with good will to this solution, and even stated that he himself had expected it would beso, because the government could not act differently, but that with respect to the officers and crew it was necessary to consult them. He went from here to La Guayra with this view, presenting on his return propositions on the acceptance of which depended his annulling the previous contracts. As exorbitant and unbecoming they were refused, and the government maintained its announced determination.

General Benjamin Arriens, chief of the squadron, was sent on board of the vessel, and as an order of his was disobeyed the captain was again called, and it was resolved that he should return to La Guayra in company with the ministers of war and marine, in order that he might deliver over the command to his appointed successor.

All went on board of the vessel and General Arriens was recognized as commander of the same.

After disembarking, the captain, who in everything had shown himself in perfect accord with the government and the views of the executive, hinted that the best way to come to an understanding with the crew of the vessel was for him to go alone to see them and offer them payment for the month, which expired on the 27th instant. His wish being granted he went on board, and instead of returning to shore, he fled with the vessel at midnight. They left the Venezuelan crew (which had been placed on board) in a boat without oars; they were saved because they had the good fortune to fall in with a fisherman's smack, which brought them to the shore at one o'clock a. m.

Such scandalous rebellion, which constitutes a real act of piracy, (because the vessel

belongs to Venezuela, and as such flies her flag and pennant, carries her arms carved on the stern, and said officers and crew were considered in the service of the republic,) has caused the citizen primer designado to order, in consideration of this statement, that a demand be made for the attachment and delivery of the steamer Bolivar, with all her appurtenances, in the belief that her course may have been directed to the waters of the United States. And it is hoped from the kindness of the minister resident that he will be good enough to communicate these facts to his government, recommending and urging the just request of Venezuela.

The undersigned renews to Mr. Wilson the assurance of his distinguished consideration. God and federation!

RAFAEL SEIJAS.

Mr. Wilson to Mr. Seward.

No. 8.]

LEGATION OF THE UNITED STATES,

Caracas, November 8, 1866.

SIR : It has just come to the knowledge of the Venezuelan government, and I hasten to communicate the fact to the department, that General Pulgar, a young man, probably of about 32 years of age, but known throughout the republic as a most energetic and determined character, has left the island of Cnraçoa, with some fifty men, and had seized two steamers (belonging to the State of Zulia) in the lake, and threatened the seizure of the city of Maracaibo. The possession of the lake would give him the city; and owing to the long-continued animosity of Pulgar towards General Sutherland, the President of the State of Zulia, within whose limits lay the lake and city above mentioned, the movement is regarded by the government here as serious, and is believed to have for its object not only the overthrow of the present State government of Zulia, and the execution of General Sutherland (if captured,) but also the overthrow of the federal or Falcon government.

The federal government will sustain General Sutherland with its armed forces; but as the financial condition of the country is in a deplorable state, the result of the contest may be considered doubtful.

It was intimated to me this morning by the minister of foreign relations that the fears of the general government were augmented by credence in the belief, prevalent here, that Pulgar is aided and sustained in this enterprise by General Mosquera, President of the United States of Colombia, who is known to be his warm friend, and long to have entertained designs upon that portion of the country, where now the new revolution has broken forth.

I enclose a slip cut from "El Federalista," whereby you will perceive what the sentiments of the official press are in regard to this affair. It is a very short and hurried article, written on the first announcement of the news.

This enclosure with its translation is marked "enclosure 1."

I have the honor to be, sir, your obedient servant,

JAMES WILSON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

[Translation.]

Rumors, the absolute certainty of which it is impossible for us to vouch for, show the invader Pulgar as commanding the lake of Maracaibo, after, it is added, having seized two small steamers of the Zulian government. We have, then, war again, and under what circumstances? the most afflicting that could deprive a sanguine people of hope. It seems that this outbreak has assumed the character of a general movement, so that purely local rebellions have passed out of date. We will therefore have extraordinary armies, squadrons, and consequently new and increased expenses.

May it please God to extend his protecting hand over this unhappy country!

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Mr. Seward to Mr. Wilson.

No. 4.]

DEPARTMENT OF STATE,

Washington, November 19, 1866.

SIR: Your despatch of October 23, No. 4, has been received. Your proceedings in regard to the ratification of the claims convention by Venezuela are approved, with the following exception, viz: That in your note of the 18th of October to Mr. Seijas, you were incorrect in assuming that the legislature, which is a co-ordinate branch of the government of Venezuela, lay under an obligation to approve the acts of the executive of that republic in making the convention.

The constitution of the United States of Venezuela, in requiring a ratification of treaties and conventions made by the President before they can go into effect, does not thereby contravene the law of nations. I think, therefore, the congress of Venezuela cannot be said to be under an absolute obligation to approve of the executive act; what is true is, that as a nation Venezuela lies under an obligation to the United States to satisfy just claims of American citizens for trespasses committed against them, by and under the authority of that government. Venezuela is at liberty, like any sovereign state, to refuse to enter into a convention for the adjudication of such claims, but if she does she leaves this government under the necessity of seeking some other adequate and perhaps less amiable remedy.

You will press upon the President the ratification of the convention with all the urgency that shall be compatible with the respect due from us to a sovereign state, with which we desire to cultivate and maintain relations of peculiar intimacy and friendship.

In the mean time the Congress of the United States, which will assemble on the first Monday in December, will be informed of the exact situation of the affair.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WILSON, Esq., &c., &c., &c.

UNITED STATES OF COLOMBIA.

Mr. Burton to Mr Seward.

[Extract.]

No. 190.]

LEGATION OF THE UNITED STATES,

Bogota, August 11, 1865.

SIR :

I also attach paper B, addressed to him, (Commander George Henry Preble,) concerning the apprehended hostile invasion of the State of Panama, by persons from other States of the republic. This invasion will be very likely to take place before long.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Commander Preble.

No. 4.]

LEGATION OF THE UNITED STATES,

Bogota, July 1, 1865.

SIR : The President of Colombia informed me to-day that he is advised that armed men from other States are preparing to invade the State of Panama for the purpose of making war against its authorities and people, and expressed it as his opinion that such an invasion would be a violation of the neutrality and sovereignty of the isthmus, which the United States are bound by treaty to secure to Colombia. I regret to say that I am without positive instructions on this point. It is, however, my opinion that the President's views are reasonable, and that while carefully avoiding any interference in the local affairs of the State, except for the protection of American interests, it is our duty to prevent its invasion by armed force from abroad if called on to do so by the proper authority of the republic, vested at present, as the President informs me, in General Santos Gutierrez.

I am, sir, very respectfully, your obedient servant,

ALLAN A. BURTON.

Commander GEORGE HENRY PREBLE,

Commanding United States Steamer State of Georgia, Aspinwall.

Mr. McKee to Mr. Burton.

No. 17.]

CONSULATE UNITED STATES OF AMERICA AT PANAMA,

United States of Colombia, July 25, 1865.

SIR : I have the honor to acknowledge the receipt of your despatch No. 23, covering enclosure to the commander of the naval forces in this port. Immediately on receipt I transmitted enclosure to Commander Murray, senior officer now in the bay of Panama.

I also communicated contents of your despatch, *confidentially*, as authorized by you, to General Gutierrez.

All quiet; how long it may so continue I am unable to inform you.

I am, sir, your obedient servant,

ALEX. R. MCKEE,

United States Consul, &c

Hon. A. A. BURTON,

Minister Resident of the United States of America, Bogota.

Mr. Robinson to Mr. Burton.

[Extract.]

UNITED STATES CONSULATE,
Aspinwall, July 25, 1865.

SIR: Your esteemed favors, Nos. 12 and 13, are before me—the former received the 11th instant, and the latter per steamship Mexican, 22d instant.

At the same time I received your No. 13 a communication was placed in my hands from you, for Commander G. H. Preble, of the State of Georgia, which will be delivered on his return from a few days' cruise in the direction of Old Providence, &c.

In relation to matters noted in your latter favor, I am happy to inform you that, so far, nothing has occurred to seriously disturb the peace and quiet of the isthmus.

The affair of Carreoso seems to have been a complete abortion. His proclamation and decrees of 22d of June, from Porto Bello, were received here about 26th idem, and it was supposed we were to have a revolution at once; but time has proven such anticipation groundless, and we now hope for a time of quiet, although I see it stated in the Panama Chronicle of yesterday that a report had reached there that Santacoloma and others had landed with hostile intentions in the department of Chiriqui; whether there is any truth in this report or not I cannot say.

Should any disturbance occur or invasion be attempted from without, I shall act as prudence and the best interests of our government may dictate, and have no doubt I shall have the hearty co-operation of Captain Preble, of the gunboat; in fact, I shall endeavor to act in concert with him. He is expected here daily.

I am, sir, your obedient servant,

TRACY ROBINSON, *Vice-Consul.*

Hon. A. A. BURTON,
United States Minister, Bogota.

Mr. Murray to Mr. Burton.

UNITED STATES STEAMER WATEREE,
Panama Bay, July 24, 1865.

SIR: I respectfully acknowledge the receipt of your letter of July 1, informing me that the President of Colombia had advised you that armed men from other States were preparing to invade the State of Panama, &c., &c.

The admiral is daily expected from San Francisco. Your letter shall be given to him upon his arrival, and in the mean time the naval force under my command shall be held in readiness to act as circumstances may require, for the protection of American interests upon the Isthmus and the fulfilment of treaty stipulations.

I have the honor to be, very respectfully, yours,

F. P. MURRAY, *Commander, &c.*

Hon. A. A. BURTON,
United States Minister, Bogota.

Mr. Burton to Mr. Seward.

No. 192]

LEGATION OF THE UNITED STATES,
Bogota, August 13, 1865.

SIR: In answer to despatch from the department, No. 124, I have to state that his excellency President Murillo has assured me that the directions given by him to the government of Panama, on May 15th, 1865, a copy of which was handed to Major General Sickles, will be observed by the authorities of that State.

An article on this subject, cut from a Washington paper, (the Republican, I think, from the type,) sent to the British minister here, has excited some interest at the British and French legations. The French minister had before endeavored to learn from the President the object of General Sickles's visit here, but without success; it is probable an explanation will be demanded here and at Washington. I presume the explanation of this cabinet will be according to the facts; that we are entitled by treaty stipulations to the free transit of the isthmus

for all purposes, and as a compensation for this are solemnly pledged to preserve its neutrality, property, and sovereignty to Colombia against all the world; and should any nation fail to respect the will of this republic as to the rights thus guaranteed, it will be the duty of the United States to interfere to cause it to be respected; and this, by virtue of the treaty of December 12th, 1846, and not on account of any new arrangement, concluded by General Sickles, or any one else.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—Since writing the foregoing the President said to me, in a confidential conference, that I had anticipated truly the answer he will give if called on for any explanation in regard to the matter.

A. A. BURTON.

Mr. Burton to Mr. Seward.

No. 194.]

LEGATION OF THE UNITED STATES,

Bogota, October 13, 1865.

SIR: As directed by your No. 126, I, on yesterday, in public audience, delivered to his Excellency the citizen President of Colombia, the message of gratitude for the condolence and sympathy tendered by the Colombian government and people on the bereavement sustained by the death of the lamented Abraham Lincoln, late President of the United States, with which I had been intrusted.

As other bodies in the republic had followed the example of the constituent convention of Bolivar, I ventured to extend the message to the whole country; his excellency the secretary of foreign relation communicated it in a note to each body. The annexed papers will explain how I have attempted to fulfil your instructions.

I was received on the occasion by the military in full dress, and by bands of music. The attendance at the audience, as well as the whole proceedings, was highly flattering.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Señor Santiago Perez.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, October 10, 1865.

The kind condolence and sympathy tendered by the government and people of Colombia to the country of the undersigned in the bereavement it has sustained by the death of the lamented Abraham Lincoln, its late President, having been made known to the government of the undersigned, he has been specially charged to assure his Excellency the citizen President of the Colombia Union of the lively sentiments of friendship and gratitude with which the good offices of this nation have been accepted by the government and people of the United States of America, and will thank his excellency the secretary of the interior and foreign relations to inform him when his Excellency the citizen President will be pleased to hear said communication.

The undersigned prays his excellency Señor Secretary Perez to accept the assurances of his most distinguished consideration.

ALLAN A. BURTON.

His Excellency Señor SANTIAGO PEREZ,

Secretary of the Interior and Foreign Relations.

Señor Santiago Perez to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA, DEPARTMENT
OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, October 11, 1865.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, had the honor to receive the note in which the honorable minister of the United States of America makes known his having received instructions from his government, directing him to communicate to the citizen President the lively sentiments of friendship and gratitude produced in the minds of the American people and government by the unmistakable demonstrations of grief caused in the Colombian Union by the death of Abraham Lincoln, and soliciting at the same time a special audience of the first magistrate for the purpose of making to him said communication by order of his government.

The citizen President has designated Thursday next for such reception, and being profoundly grateful for this mark of consideration on the part of the American government and people, he will have the pleasure to manifest again and officially the profound feeling which has been caused throughout this union, by the unfortunate death of that honest and virtuous citizen, who, so honorably for the republican world, sustained the just union and true liberty of the great republic.

The undersigned renews to the honorable Mr. Burton the assurances of his very high consideration.

SANTIAGO PEREZ.

HON. ALLAN A. BURTON,
Minister Resident of the United States of America.

Mr. Burton to Señor Perez.

BOGOTA, October 11, 1865.

The minister of the United States of America has the honor to present his most respectful compliments to his excellency Señor Santiago Perez, secretary of the interior and foreign relations of the Colombian Union, and to enclose a copy of the remarks which he will have the honor to address to his Excellency the citizen President at the audience with which he is to be honored on Thursday next.

MR. PRESIDENT: The kind condolence and sympathy tendered by this nation to my country in the bereavement sustained by the death of its late President, the lamented Abraham Lincoln, having been made known to my government, I am specially charged to assure your Excellency, and to request that the same be communicated to the citizens of this republic, that the generous tribute of the Colombian government and people in connection with that melancholy event has been accepted with the most lively sentiments of friendship and gratitude by the government and people of the United States of America.

[Translation.]

MR. MINISTER: It is very flattering and pleasing to the government and people of Colombia to know that the American people and government should have been gratified at the expression of sorrow and kindly sympathy emitted by us, when we heard that a crime had deprived your country of one of its most enlightened citizens, as a victim offered up on the altar of duty. And these frequent manifestation of sympathy between the two countries are very grateful to me, because they tend to strengthen the mutual esteem which ought to exist between republican peoples living on the same continent.

Mr. Burton to Mr. Seward.

[Extract.]

No. 196.]

LEGATION OF THE UNITED STATES,
Bogota, November 2, 1865.

SIR : * * * * *

On March 9th, 1864, the steamer Antioquia, owned principally by citizens of New York, and carrying the American flag, in accordance with a law of the

Colombian Congress, was descending the Magdalena, laden with freight and passengers. On nearing a point called Magangué, a party of State troops, under the command of one Señor Berrios, hailed her to land. The current was too powerful for the crew to control her. The soldiers pursued her, and while she was endeavoring to land, by order of Señor Berrios, fired more than one volley of musketry into her, to the great peril of the crew and passengers. Besides other parts of the boat, a number of bullets passed through the pilot-house, which drove the pilot from his post, leaving the boat to her own course. Fortunately no one was injured, and after the firing had ceased the boat was brought to land. These men had no rightful authority whatever over the boat or any person or thing connected with her.

A love of petty tyranny alone, common to all officials of the country, great and small, induced this barbarous attack.

Señor Berrios, on the boat's return trip, denied to one of her owners that he had given the order to fire, alleging that the firing was by mistake. Consul Chapman in the mean time called the attention of the government of Bolívar to the outrage. He was answered that it would be investigated and due punishment inflicted on the guilty parties. He was afterwards informed by the government that Señor Berrios had given the order to fire on the boat because another boat belonging to a different company had passed on the day before, and being requested to land had refused and made fun of the request; and as the Antioquia did not seem disposed to land, he, Señor Berrios, supposed she was going to repeat the conduct of the boat which had passed on the previous day, and therefore ordered her to be fired into.

On May 4th, 1864, I brought this cruel proceeding to the notice of the Colombian government, and on the 31st of that month received from the secretary a wholly insufficient and untruthful excuse for the conduct of Señor Berrios, with the information that the congress, in consequence of the occurrence, had passed a stringent law to prevent such outrages in future. This was highly unsatisfactory, as there was no indication of a purpose to punish the crime. Upon a conference with the secretary, he assured me the affair would be inquired into, and if it should turn out that any person had acted culpably, he should be speedily and duly punished, and that orders to that effect would be sent to the government of Bolívar. But as the relations between that State and the national government were in an unsettled condition, he preferred not to allude to this in his note to me, as he desired to publish our correspondence as an admonition to other local military chiefs; and such a censure being thus made public, might irritate the authorities of Bolívar.

With this explanation I made no further objection for the time to the note, and supposing that so heartless a thing would not occur again, I commenced my reply by passing it over lightly and in such a manner as to give it no great importance, for I really believed it the result of mistake, as alleged.

Before finishing the paper I received the avowal of the act and savage excuse given to the government of Bolívar, with which the latter seemed to be satisfied, and concluded it by again finally calling the attention of the government to the conduct and excuse of Señor Berrios. I was again assured in a conference that he should be punished.

Hearing nothing more of the case, I addressed a note to the secretary on October 4th, 1864, inquiring what steps had been taken against Señor Berrios.

This note was not acknowledged.

On receiving from the department despatch No. 93, dated August 10th, 1864, I, on January 20th, 1865, formally demanded the punishment of Señor Berrios. This demand was not responded to until February 16th, 1865. I was then only advised that the government had not been informed as to the proceedings taken in the matter by the State of Bolívar.

Strong assurances that such acts would not occur in the future were offered.

During all this time I believed that the government was acting in good faith, but felt itself too weak to make itself more directly and positively obeyed in the States. It was just passing from a military dictatorship to civil rule, and much allowance was to be made for its want of energy.

Finally, convinced that the government did not intend, or at least could not take any effective action, I instituted an inquiry in Bolivar, through Vice-Consul Mathiew, in August last, as to the measures which had been adopted for the punishment of Señor Berrios.

The result was that shortly after the assault on the Antioquia the government of Bolivar had promoted him to the office of auditor general of the State, the duties of which he discharged for several months in the capital, Cartagena, riding out daily with the President of the State in the private carriage of the latter. That the President afterwards appointed him governor at Magangué, the scene of his wanton barbarity on the 9th of March, 1864. That he filled this important office for some time, and, since leaving it, has been going at large unmolested.

The then secretary of foreign relations was a citizen of Cartagena, a near relation of the President of Bolivar, and must have known all this.

On September 11th, 1865, I placed these facts before the Colombian government, with a peremptory demand for the punishment of Señor Berrios. This was answered on the 19th of that month, in substance, that a new requisition had been made on the government of Bolivar for the punishment of Señor Berrios, with explanations as to his having been retained in office in that State, and being permitted to go free of trial. To this was added, as usual, the unwavering purpose of the government to execute the laws.

* * * * *

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 197.]

LEGATION OF THE UNITED STATES,

Bogotá, November 3, 1865.

SIR: Shortly after writing my last annual review of events in Colombia, the State government of Bolivar was overthrown by an insurrectionary movement, an account of which I gave in my No. 142. This change has been followed by all the unhappy consequences then anticipated.

As was to have been expected, it has brought to foreigners an undue share of its attendant wrongs and oppressions, as may be seen in part by reference to my Nos. 166, 187, and 196.

Before the insurrection in Bolivar had been concluded, a military force, headed by Señor Isidoro Fucret, whom I had occasion to speak of in my No. 138, attacked the city of Rio Hacha in December, 1864, with a view to overthrow the State government of Magdalena. The attack was repelled and the insurgents dispersed.

The movement was again set on foot in July last, under the lead of the same chieftain, who, after a bloody conflict, captured that city with a considerable number of prisoners, the elements of war belonging to the State, seizing the foreign shipping in port at the time. Other sanguinary engagements have since taken place, but without any decisive result. The strife still continues and will probably terminate disastrously to the State government.

On the 9th of March last the State government of Panama was seized by insurrectionists and a new one substituted in its stead.

This proceeding was attended by little bloodshed. Some of the persons thus deprived of power repaired to the State of Cauca, where they enlisted a force of officers and men from among its citizens, secured some of the arms and munitions of the national government, and sailing from the port of Buenaventura, in a vessel carrying Peruvian colors, made a hostile descent on the isthmus in August last, and were expelled by the State authorities of Panama after some severe fighting; I refer to my Nos. 186, 190, and 199 as bearing on these disturbances on the isthmus.

The preceding contests were all confined to opposing factions of the liberal party, the party in power in each of the States of the republic, and administering the national government.

In the latter part of September last, a preconcerted uprising of the conservatives, headed by General Cordova, against the State government, took place at various points in the State of Cauca. Some fierce collisions have occurred and the contest is progressing.

In October just past, the conservatives of this State, Cundinamarca, having organized guerillas at numerous points, on the 16th attacked in strong force the city of Cipaquirá, thirty miles from Bogota, and after a bloody engagement with the State troops, coming in collision also with the national troops, the guerillas abandoned the attack. This was followed by a proclamation of the President of the republic declaring the public order of the country disturbed—war. This guerilla soon after entered into a formal treaty with the general government, agreeing to deliver up its arms, and the government pardoning its members, and assuming to pay for the property seized from, and other damages done to individuals by it. A notable feature of this disturbance was that, notwithstanding the law for the protection of foreigners of April 19th, 1865, enclosed with my No. 176, the State government seized indiscriminately the property of foreigners and natives.

The other guerillas raised in this State, as above stated, passed into the adjoining State of Tolima, where a vigorous effort is going on to overthrow its government by the conservatives.

A week ago the insurgents, after hard fighting, captured, held for two days, and then evacuated the city of Honda, the head of steamboat navigation on the Magdalena, and through which all the foreign trade of this capital has to pass. In Honda, as in Cipaquirá, the national troops were assailed, and the President again declared the public order disturbed.

So long as the national forces and property are not interfered with, and one State is not invaded from another, these strifes in the States are held constitutional by the government, and its duty is to remain neutral between the combatants.

Large numbers of men, and even small boys, are being caught and put into the army. Active military preparations are going on, and it is to be feared that a general civil war is at hand. There is a general impression, and I happen to know it to be well founded, that the conservatives are determined on an attempt to overthrow the general government before the 1st of April next, when President Murillo's term expires, and thus prevent the inauguration of General Mosquera, who has just been elected his successor, and whose rule they greatly dread.

Another civil war like that of 1860-'61-'62-'63 could not fail to bring sad, if not fatal, consequences to the country, already in a most deplorable condition and growing worse daily. Its finances are hopeless; industrial pursuits of every kind are neglected; poverty and destitution are general; patriotism and public virtue much weakened, indeed almost extinct; a frightful demoralization pervades all classes; law is a dead letter; and the strongest ties of society are the

sympathies arising from degradation and crime on the one hand, and misfortune and oppression on the other.

This picture will, undoubtedly, seem exaggerated; it is, nevertheless, strictly true. It finds a strong support in the significant fact, that within the last year causeless bloody warfare has afflicted no less than six of the nine States of the republic, superinduced by no higher motive than that of pillage, thinly cloaked under the garb of office on the part of the leaders, and on that of their followers.

President Murillo has endeavoured to give the country a somewhat more elevated administration than it has had for some time. The great mass of the people of all professed shades of opinion have not accepted it, but have drifted him along with them; and it is ending one of the least fortunate of all. A few cling to the attenuated hope that the peculiar administrative notions of General Mosquera, (explained in my number 147,) may stay the present rapid downward tide. Should he fail in this, the country's cup of misery, now full, must soon overflow.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

[Extract.]

No. 198.]

LEGATION OF THE UNITED STATES,

Bogota, November 4, 1865.

SIR: I have the honor to enclose the annexed papers relating to the proceedings of Acting Rear-Admiral G. F. Pearson, on the interment in Panama of the remains of A. R. McKee, esq., deceased, late United States consul at this city.

* * * * *

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Santiago Perez to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA, DEPARTMENT OF
THE INTERIOR AND FOREIGN RELATIONS;

Bogota, October 16, 1865.

The undersigned, secretary of the interior and foreign relations, has the honor to accompany with this communication, for the information of his honor the minister resident of the United States of North America, a copy of the correspondence which has passed between the President of the sovereign State of Panama and Rear-Admiral Pearson, and will proceed to make the following observations:

The neutrality of the isthmus, or the sovereignty of New Granada, now the United States of Colombia, over it, was guaranteed by the United States of North America in the 35th article of the treaty of 1846—our rights pertaining to Colombia, rights the effectiveness of which it belongs to her to demand at the time and circumstances which may be convenient to her and equitable. But that guarantee of the neutrality of the isthmus and its sovereignty to Colombia does not oblige her to submit to the measures which the United States of North America, or any agent of theirs, may pretend to impose upon her in derogation of the national dignity, and not only without the requirement of the local authorities, but in spite of them.

The local authorities of the State of Panama, as agents of the national government, respected in virtue of their powers and in the fulfilment of their duties, have to maintain on

the isthmus the public securities and the guarantees due its inhabitants and persons who may be transiently there.

In the discharge of their duties said authorities will employ the means at their command, and require such assistance as they may find necessary and to which they may be entitled, provided it can be so given and as stipulated. Otherwise assistance would not be real assistance, and the employment of a foreign force, although under alleged necessity or convenience, would be rather to have it imposed than asked, an act inadmissible by the legitimate authorities of that territory, and unacceptable according to the most primitive notions of public law.

Agreeably to the said 35th article, said guarantee is expressly declared to be an especial compensation for favors acquired by the United States of North America in that State.

The guarantee is, therefore, not a right pertaining to them, but an obligation, a service contracted by them; a service, it is true, which redounds to their interests, but which cannot take the character of a power or jurisdiction; but, by giving to said guarantee the interpretation implied in the pretensions of Rear-Admiral Pearson, it would be converted into an additional favor to the United States of North America, a favor which would require on the part of Colombia the abdication of her sovereignty.

The propriety of opportunely appealing to the necessary measures to preserve in every case security on the isthmus must induce the power intrusted with its preservation—a power which represents the national sovereignty, and at the order of which, within their respective limits, agents are to be maintained, whose duty it is to lend effective assistance. Who has borne the responsibility arising from a want of order or security on the isthmus when disorders have occurred? The use, therefore, of the forces of the United States of North America for the preservation of order and the maintenance of the sovereignty of Colombia on the isthmus has to be determined by the Colombian authorities themselves, and not by the chiefs of those forces, whatever may be the apparent inconvenience, in any given case, to the latter—inconveniences to be foreseen and removed by him who is responsible for the disturbances.

Such is the understanding and grounds taken by the Colombian government, with respect to the part in question of the treaty with the United States of North America, and it is sure that such is the understanding and views maintained by the minister resident of the United States, whom the undersigned has the honor to address and to request of him an express opinion upon the point.

The way or transit across the isthmus shall be open to the citizens and government of the United States of North America, agreeably to said article 35, but neither this nor any other article of the treaty implies the right of disembarking troops on that territory without previous notice, and then subject to the conditions of the treaty. Much less does it imply the right to disembark North American forces in order that they may go through exercises on Colombian territory, or occupy it in organized bodies or regiments in any operations whatever. The right to disembark and of transit will always be subject to the compact between the two nations, and in cases of assistance to the judgment and demand of the local authorities, who, in this particular, act as the agents of the national government.

In this sense instructions have been given to the government of the State of Panama. And it is hoped that the minister resident of North America, finding all the foregoing in strict accordance with the existing treaty, and with the well understood interests of both countries, he will be pleased to communicate his orders accordingly to the agents of his nation on the isthmus, that they may desist from and put an end to whatever pretensions they may have manifested or that they may manifest to the contrary.

The undersigned improves the opportunity to present to his honor the assurances of his high esteem.

SANTIAGO PEREZ.

Hon. ALLAN A. BURTON,
Minister Resident of the United States of America.

Señor Jil Colunje to Mr. Pearson.

[Translation.]

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF PANAMA—PRESIDENT OF THE STATE.

PANAMA, September 6, 1865.

SIR: On the day before yesterday I, with the other public superior functionaries of the nation and State resident in the city, were prepared to attend the funeral obsequies of Mr. Alex R. McKee, late consul of the United States of America in this place, where his death has been so justly deplored, when I perceived that a party of armed people belonging to the marine of the North American Union had disembarked, together with a band of music, in order to do due honor to the civil and military rank of Mr. McKee, and I was under the painful necessity of declining, and causing the other authorities to decline, attending said obsequies, because

permission to disembark said force had not been asked of me, as the first authority of this State.

Certainly, on so solemn an occasion, nothing would have been more natural than to grant said permission, chiefly when we have no band of martial music here at present, or body of troops to contribute in giving due gravity to the ceremony; but it will be allowed that if this occurrence, which in any aspect may be unfavorably qualified under the circumstances—considered as much with reference to the cordial relations existing between the North American Union and the Colombian Union as to your undoubted sufficiency—if this act, I say, should pass unnoticed, my silence might be taken as argument hereafter for neglecting the correct usages of the law of nations. I expect, therefore, that in case it shall be necessary to disembark armed naval forces in future, it will not be done without the consent of the authorities in this place, which represent the sovereignty and independence of the nation.

I am, with due respect, your attentive servant,

JIL COLUNJE.

Admiral J. P. PEARSON,

Commanding the United States Squadron in the Pacific.

Mr. Pearson to Señor Jil Colunje.

UNITED STATES FLAG-SHIP LANCASTER,

Panama, September 8, 1865.

SIR: I have had the honor to receive the communication of your excellency, dated 6th instant. It informs me that your excellency and all the high functionaries of Panama were prepared to attend the burial of the late consul of the United States, Alexander R. McKee, whose loss is so justly deplored, when you noticed a company of armed people belonging to the marine of the United States, and a band of music besides, ready to do the honors due to the military rank and civil employ of Mr. McKee; that you then believed yourself under the painful necessity of abstaining from attending the burial, and of not permitting the other authorities to attend, because permission was not obtained from you, as the highest political authority of the State, for the disembarkation of the above-mentioned force.

In expressing to your excellency my regret that you did not attend the funeral services of a consul so much beloved, I can do no less than express also the impression that I have received from your objections to the presence of a marine guard with only cartridges without balls, and especially to the unarmed band of music of this boat, whose only object was to honor the remains of a consul of the United States in the city of Panama. You speak of the landing of these marines and of this band of music as contrary to the rights of nations; and you say that you had a few troops, and no band of music in the city at this time.

I know perfectly well that armed troops should never put foot on the territory of a friendly government without special permission from its chief, but in the present case, when all the city was mourning the loss of a friend, it never occurred to me that anything that I might do in honor of his memory would be taken in any other sense than joining in the general grief of all, including your excellency, and the other employes of the government.

Besides, at that time, the city was overhung with a cloud of sadness, which prevented lending attention to little forms, no one thinking of anything but in attributing to the deceased and much-loved Colonel McKee a melancholy homage, whose remains were to be immediately buried.

I will here take the liberty to assure your excellency that, in conformity with my orders to the squadron of my command, armed troops will land immediately whenever it is necessary to fulfil the stipulations of the treaty between the United States of Colombia and the United States of America, and especially when the railroad and its passengers are in danger.

You informed me that for the future you hope that when it may be necessary to land armed troops, it will not be done without the consent of your excellency.

There is not the least objection to asking this permission, but I believe it my duty to give you notice, that in case of alarm the required force of the squadron for an immediate service would probably be detained from arriving in Panama at least two hours, waiting to communicate with the city, and receive permission from your excellency.

In consideration of the conditions of the treaty, it is believed that armed troops may be landed at any moment, and our late consul and others anxiously desiring it, I have ordered the marine troops to land when there was any danger, to protect the consulate and the naval deposit, without permission from the authorities, and I am disposed to do the same again, convinced that such conduct will not only be agreeable to the consul and naval store-keeper, but also to the President of the State, since it will contribute to the preservation of good order.

Do not think for a moment, however, that I dispute your legitimate right to wish that permission be asked, by means of an officer, to disembark armed troops in time of necessity, or to do the customary funeral honors at the death of an employé of the United States, or to land a band of unarmed musicians.

All this, besides being your lawful duty, would give me pleasure to carry it out, by means of an order to the commanders of the different vessels of this squadron.

I shall also remit to the government which I have the honor to serve a copy of your communication, and a copy of my answer, to the end that, if at any time the force under my command shall be delayed, in case of any emergency, in consequence of my awaiting your consent to the disembarkation, the censure may not be attributed to me.

I am, sir, your obedient servant,

G. F. PEARSON,

Commanding the U. S. Force in the Pacific Ocean, September 14, 1865.

His Excellency JIL COLUNJE,

President of the State of Panama.

Mr. Burton to Mr. Seward.

No. 199.]

LEGATION OF THE UNITED STATES,

Bogota, November 5, 1865.

SIR: I have the honor to enclose the annexed correspondence with the United States consuls and naval officers at Aspinwall and Panama, which relates more particularly to the late disturbances on the isthmus, of which the department has doubtless already been fully informed.

From the tenor of the note of Consul Davenport and acting Rear-Admiral Pearson, of September 26th, 1865, marked G and H, I infer that my note of July 1st, 1865, attached to my No. 190, and that of August 31st, 1865, (A,) hereto annexed, have not been understood in the sense intended. They appear to have been interpreted by those gentlemen as instructions from me to them. Such was not my intention. When I wrote I supposed that, as a matter of course, from their proximity to Washington, they had been, or certainly soon would be, fully instructed as to their duties, on the happening of certain events for some time before expected to take place on the isthmus. My object, therefore, was to give these officers, and others near the place of anticipated disturbances, official notice of what this government expected in a given state of case, to which I ventured to add my own opinion, to go for what it was worth in itself. That they being thus advised might, perhaps, be better enabled to execute the orders of their respective departments, according to their own views of duty. In short, what I wrote was for their information, and not for their guidance, as I think the papers clearly show.

My opinion was based on that expressed by our government under analogous circumstances in 1862. That expression was a law to me in itself, but appeared moreover to be supported by strong reasons, some of which I beg to be allowed to state in reply to the views of Consul Davenport and acting Rear-Admiral Pearson, for whose opinions I have the highest respect.

By the constitution of Colombia the individual States are sovereign and independent of each other; as much so, both in theory and in fact, for the purpose of the present question, as Colombia and Peru.

It is the declared constitutional duty of the national government to prevent and repel, by all the means at its command, any invasion of one State by another. Such an invasion is a violation of the national sovereignty in the invaded State. This is particularly the case in the State of Panama, where certain important rights of sovereignty have been reserved to the national government, which it has not in the other States.

The invasion of the State of Panama in August last, from the State of Cauca, was none the less a violation of the national sovereignty over the isthmus on account of its want of the sanction of the latter State.

The effect was precisely the same hostility to, and the trampling on, the national right and authority, and consequently creating a state of affairs which required the national government to move in the fulfilment of its constitutional duty.

This duty was in nowise modified by the fact that some of the chiefs who led the invasion were expelled citizens of Panama.

It is understood that most of the officers, and all of the soldiers of the invading forces, were citizens of the State of Cauca; they carried no recognized flag, and were subject to no regular or recognized authority; they sought to make irregular war on the people and recognized legitimate government of a State which the general government was bound to protect against such incursions, and were therefore not inaptly characterized as bandits. To require the forcible intervention of the national government, it was enough that hostilities came from without the limits of the State of Panama.

The circumstance that the invaders came in a vessel carrying the colors of a foreign nation, instead of taking from the invasion its unjustifiable character, was calculated to inspire greater alarm and called for greater energy on the part of the government of the nation.

This being the duty of the Colombian government, the only inquiry is how far the United States are bound to aid in the performance of that duty.

To an accurate solution of this question, it is not deemed necessary to controvert the deduction of inconvenience drawn by the consul and acting rear-admiral from the interpretation of the treaty for which I contend. These are rather specious in the abstract than applicable to the true issue.

It will be sufficient to consider the single point on which they rest their argument, as a correct answer to the inquiry must necessarily spring from the justice or fallacy of their conclusions, there being no intermediate ground on which to base a third.

The point of departure in the argument advanced by them is the force given to the words of the 35th article of the treaty, "with a view that free transit of the isthmus may not be interrupted," and the conclusion reached, that the obligation contracted by the United States is coextensive only with the view declared.

This, at first sight, has some claim to plausibility, but is plausible only. Had the treaty stopped here, leaving no other clue to the limits of the obligation, the inference drawn would not have been entirely wanting in force. But the treaty itself fixes unmistakably, without leaving anything to interpretation or conjecture, precisely what is to be done in order to fulfil that obligation and to effect the object in view—the securing by the United States to Colombia of a perfect neutrality of the isthmus, and in like manner her sovereignty and property in that territory; not partially or of the transit alone, but of the whole isthmus, and that perfectly. If the transit only was to be thus secured, it would have been more natural and logical to have said so and no more, by employing words more precise and in harmony with the idea intended to be expressed.

To thus limit the duty imposed by the treaty on the United States does violence to that part of it which, in plain and appropriate words, extends the guarantee of perfect neutrality, sovereignty, and property to the whole territory of the isthmus, "from its southernmost extremity until the boundary of Costa Rica," and consequently at the same time renders superfluous, meaningless, and inoperative, no inconsiderable part of its language—a supposition not to be attributed to the negotiators of so important an agreement and their governments, who ratified it in the entire absence of ambiguity or unreasonableness. Besides, a named view or object of the guarantee is of subordinate importance, and must yield to the explicit and unconditional terms of the guarantee itself.

It is a legitimate presumption, not to be repelled or weakened by time or subsequent changes, that the contracting parties had fixed and well-defined ideas of, and specified accordingly, what acts should constitute a compliance with the obligations into which they were entering; and although such acts may now appear disproportionate to the end to be achieved, it is not for one party to disregard or diminish them without the consent of the other.

This inclination to define runs through the entire treaty—is one of its notable features; and a wise one, as it tends to avert misunderstanding, and consequently to make more efficacious its stipulations.

Many other convenient objects, not necessary or politic to have been declared, and which neither party was bound to disclose, may have induced one or both to enter into the compact.

There are patent and forcible reasons for this supposition as to Colombia. This part of her territory is remote and almost detached from the rest of the republic. It is of the highest importance to the world, and she might well have apprehended that it was looked to with a covetous eye by stronger powers. It is difficult of defence, and she had not the means of defending it. The inhabitants were but partially civilized, and its quiet and order imposed on her a weighty responsibility.

Well might Colombia, with her sad internal revolutionary experience and menaces from abroad, have feared that the presence of any body of men, from anywhere, operating hostilely to her rights and authority on any part of that peculiar territory, and especially such a body as that which invaded it from Cauca, would be dangerous not to this part alone, but to the republic itself; and therefore have sought a stipulation from the United States, which would be likely to preclude all possibility of consequences so disastrous to her security and welfare.

Furthermore, the treaty pre-supposes that the tranquil and constant enjoyment of the advantages secured by it on the isthmus to the United States is to redound chiefly to the interest of the latter. The view, then, of keeping the transit uninterrupted, and which the United States are permitted to do, is in effect a permission to them to protect their newly acquired rights on Colombian soil, (the free transit of the isthmus being the principal one,) and is in reality one of the privileges conceded to the United States, as conducive to the full enjoyment of those rights for their own benefit, and cannot in any sense be regarded as a burden to them.

But as a compensation for granting these rights and privileges, and for other important concessions made to the United States by Colombia, in articles 4, 5, and 6 of the treaty, the former take upon themselves, in turn, the burden of guaranteeing to the latter the perfect neutrality, sovereignty, and property of the whole isthmus, which Colombia, whether with or without cause is immaterial, imagined was, or might be, dangerous.

She has paid for this security, and the United States have accepted and enjoy a consideration mutually agreed upon, as adequate and just, and the view or objects, many or few, which may then have moved Colombia to purchase the right to, or that may now influence her to ask for the lawful enjoyment of the benefits resulting from her agreement, cannot concern the United States, or excuse them for failing to comply with the plain duty to which they have bound themselves.

Another feature of the guarantee is not to be overlooked. It extends to "all the rights of sovereignty and property which New Granada (now Colombia) has over the said territory."

At the date of the treaty the now State of Panama was simply a canton of the republic, over which the national authority was supreme.

Whether, therefore, an invasion of the isthmus of Panama, or even an internal movement which puts in jeopardy the rights guaranteed to Colombia in that territory, does or does not endanger the freedom of the transit, would seem in no case to be a material or open question. It is concluded by positive stipulation.

This appears to be the clearly expressed meaning and spirit of the treaty.

The duty assumed by the United States may be inconvenient, embarrassing, and even onerous; it is nevertheless one which, when required to do so, they

cannot fail to respect without dishonor, so long as they retain the corresponding benefits ceded by Colombia.

No notice has been communicated to me by this government of the occurrence mentioned in the annexed letter of Vice-Consul Robinson.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Henry Preble et al.

LEGATION OF THE UNITED STATES,

Bogota, August 31, 1865.

SIR: His excellency the President of Colombia advised me to-day that a body of armed men, whom he characterized as bandits, had recently sailed from the port of Buenaventura, in the State of Cauca, for the purpose of invading and making war against the State of Panama, and expressed his hope that the United States would fulfil what he considered their duty, by preventing this or any other hostile party or individuals from landing within the limits of that State, and employing the necessary force to expel such, in case a landing should be effected, as their presence will necessarily endanger the safety of the transit of the isthmus, and the property and lives of American citizens.

In expressing my concurrence in this opinion of the President, I have to add, that in case the present authorities of Panama should be forcibly overthrown by the aid of persons coming from other States, citizens of the United States ought to refuse to submit to the exaction of any contribution by any person or authority in that State, until such change be recognized as legitimate by the Colombian government, and that such refusal should be sustained by force if necessary.

I am, sir, your obedient servant,

ALLAN A. BURTON.

Commander GEORGE H. PREBLE,

Commanding U. S. Steamer State of Georgia, Aspinwall;

United States ADMIRAL, Panama; and

United States CONSULS at Aspinwall and Panama.

Mr. Pearson to Mr. Burton.

UNITED STATES FLAG-SHIP LANCASTER,

Panama, August 21, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of July 1st, 1865, stating that the President of Colombia had informed you that he was advised that armed men from other States were preparing to invade the State of Panama for the purpose of making war against its authorities and people.

I shall at all times be ready to carry out the treaty stipulations between the governments of the United States and of Colombia; and should an armed force from other States invade Panama with the intention of making war against its authorities and people, I shall, on the request of General Gutierrez, render him such assistance as may be in my power at the time for the purpose indicated.

I shall take especial care, however, that assistance is not rendered for any of the internal political troubles of the State of Panama, further than for the protection of our citizens residing here, and their property.

I am, sir, very respectfully, your obedient servant,

G. F. PEARSON,

Acting Rear-Admiral, Commanding Pacific Squadron.

His Excellency ALLAN A. BURTON,

Legation of the United States of America, Bogota, N. G.

Mr. Robinson to Mr. Burton.

UNITED STATES CONSULATE,

Aspinwall, August 25, 1865.

SIR: Your kind favor, marked private, reached me on the 11th instant, since which time I have been confined by illness, and am still very weak.

Mr. Rice will be back on the 10th of September.

The revolution in this State has not come to any decided issue as yet, although we expect to hear something decisive each day.

I enclose the last Panama Star and Herald.

General business on the isthmus is pretty much suspended for the present.

The steamer Costa Rica arrived from New York this morning, enabling me to forward your mail by this opportunity.

The State of Georgia, Captain Preble, has been relieved by the James Adger, Captain McDiarmid.

On this side of the isthmus all is quiet. Your enclosures were sent forward.

I remain, very respectfully, your obedient servant,

TRACY ROBINSON.

Hon. ALLAN A. BURTON,
United States Minister.

Mr. Robinson to Mr. Burton.

UNITED STATES CONSULATE,

Aspinwall, August 31, 1865.

SIR: The United States gunboat James Adger, Captain McDiarmid, hence to Cartagena to-morrow, affords me an opportunity of addressing you this note and of enclosing to-day's Panama Star and Herald, from which you will see that the revolution is progressing rather slowly.

It is yet impossible to say how the affair will terminate.

United States government troops are now being passed over the isthmus, en route for California.

The fourteenth regular infantry arrived here per steamship, April 25th instant, when the steamer was allowed to come alongside the wharf, to remain with the troops on board over night. The result was, although I wrote a note to the commanding officer requesting him to prevent any of the men from landing, quite a number escaped the guard, came on shore, became intoxicated and created considerable disturbance.

Some of the small drinking shops, belonging to British subjects, were entered, and, I have been informed, taken forcible possession of; so that the British vice-consul informed me he has been since applied to for redress and restitution from our government. No claims have yet been presented to me, however.

The local authorities were very much incensed at the affair.

Small parties of our troops, with guns and fixed bayonets, were going about the streets during the night, under the pretence, I am told, of picking up stragglers, taking matters into their own hands for the time being.

Yesterday the government transports Benjamin Deford and S. R. Spaulding arrived here with the second United States artillery, 648 men, on board for transportation to Panama and San Francisco.

In order to avoid, if possible, the recurrence of the former trouble, I addressed a note to the commanding officer, requesting him not to permit, under any circumstances, the landing of any portion of the men until the cars were ready to embark them at once for Panama.

In reply to my note the general commanding, who I have heard is General French, has dictated a note to the effect that he will do as he pleases, or, to use his own words, "the general commanding will consult what he deems most necessary for the interest of his command in the matter."

I will only add, that if officers in command of our troops in crossing this isthmus do not keep them in subjection, so as to prevent outrages upon the people here, we may expect trouble.

I have not written the government about the matter, preferring to await the return of Mr. Rice, who will be here on or about the 10th instant.

I beg to remain your obedient servant,

TRACY ROBINSON, *Vice-Consul.*

Hon. A. A. BURTON,
United States Minister, &c., Bogota.

Mr. Davenport to Mr. Burton.

CONSULATE OF THE UNITED STATES,

Panama, September 26, 1865.

SIR: Your letter, No. 74, addressed to the late Colonel McKee, United States consul at this port, has been received. You have doubtless ere this learned of the death of that excellent man, and my appointment as acting consul until the pleasure of the government should be known.

In forwarding a copy, as requested by you, to the State Department, I embraced the opportunity to call the Secretary's attention to the construction put upon the 35th article of our treaty with New Granada by the President of the United States of Colombia, as well as your coincidence of opinion with that functionary.

As I do not by any means agree with either of you as to the duties of naval officers to use force to prevent one party from a hostile attempt against another, particularly as the normal condition of this State seems to be revolutionary. I have asked Mr. Seward for an expression of the views of our government and its construction of the obligations devolving upon us under the said article.

It will be observed that the United States, under that article, guarantees a perfect neutrality of the isthmus to New Granada, the United States of Colombia, with the *view that the free transit* from one to the other sea *may not be interrupted or embarrassed*.

The United States have nothing to do with the civil wars or revolutions which everlastingly affect this State of Panama, so long as the transit from one to the other sea be not interrupted; neither has it anything to do in the way of interfering between parties belonging to any of the States which collectively constitute the republic of New Granada, or what is now called the United States of Colombia, so long as neither party interrupt the Panama railroad, its passengers, &c., &c.

Further, I apprehend that neither party will disturb the transit, though both make that the cry to the opposite party which may be out of power.

I presume it is a matter of perfect indifference to our government whether Mr. Jil Colunje or Calanche represents the sovereign State of Panama, so long as our rights and privileges under the treaty be not disturbed; and I trust the State Department will clearly define those rights, and not leave it to the various functionaries of our government, civil and naval, to predicate action upon that which the government at home might consider an erroneous construction of our treaty, as well as our obligations under it.

I am, sir, very respectfully, your obedient servant,

H. K. DAVENPORT,
Commander, Acting Consul.

Hon. A. A. BURTON,
Minister Resident, &c., &c., Bogota.

Mr. Pearson to Mr. Burton.

UNITED STATES FLAG-SHIP LANCASTER,
Panama Bay, September 26, 1865.

SIR: I am honored by your communication, No. 2, of August 31, 1865, stating that the President of Colombia had advised you that a body of armed men whom he characterized as bandits, had recently sailed from the port of Buenaventura, in the State of Cauca, for the purpose of invading and making war against the State of Panama, and expressed his hope that the United States would fulfil what he considered their duty, by preventing this, or any other hostile party or individuals from landing within that State.

Article 35 of the existing treaty between New Granada, now the United States of Colombia, and the United States, guarantees to the former perfect neutrality of the isthmus, with the view that the free transit from one sea to the other may not be interrupted or embarrassed, &c.

This, in my opinion, contains the whole gist of the requirements of the United States, not to the State of Panama, but to the United States of Colombia. Consequently, should the free transit from one sea to the other be endangered, then, and then only, is the commander of the United States naval forces in the bay of Panama to land an armed force to carry out, in good faith, the terms of the treaty as expressed in article 35 of said treaty.

Should an armed force from without the limits of the United States of Colombia land at either end of said transit, with a view to prevent the running of the railroad, or should any force whatever assail said road, or the transit of passengers thereon, then the United States naval forces here would prevent any such molestation to the utmost extent of its power, and would support and sustain the authorities of Panama in the free transit of passengers from one sea to the other.

The force under my command has nothing to do with the insignificant force to which you refer as being about to invade Panama from another State of the United States of Colombia—a force under the auspices of the late president of Panama, Calancha, and for the sole purpose of restoring him to the place from which he was summarily deposed, unless the said force interrupt the free transit of the railroad from one sea to the other; nor has the force under my command any authority to prevent the passage from one place to another of a Peruvian vessel, with or without passengers, while Peru is at peace with the United States, unless the said passengers land and molest the railroad, when, of course, I shall attack them at once. But, sir, none of these people have any designs upon the railroad.

Whoever may be placed in power at Panama will be but too happy to facilitate the free transit of the railroad, as its passengers and its freight afford a convenient and lucrative commerce to its citizens.

It is only a mob of outcasts who may be expected to assail the Panama railroad, and for this the United States naval force here is always prepared, as a vessel of war is always stationed here for that purpose.

I look upon the word "view" in the 35th article of the treaty as the key to the whole article, "with a view that the free transit from one sea to the other may not be interrupted."

These comprehensive words are explicit, and in my opinion convey to every officer of the United States government at Panama precisely the course to be pursued by him.

As to the state quarrels as to who shall be president, they are but the local pretensions for office and emoluments, and are not at all likely to interfere with the neutrality of the isthmus.

As to the forced loan, should the government here be overthrown, I shall of course protect any American who refuses to pay it, until the said government has been confirmed by the general government.

We have always one ship of war here, but she is never to send her men beyond the line of the railroad while I am here, and, in my absence, the senior naval commander will comply with my orders, to see that the railroad is protected, and will also give protection to all American citizens and property in Panama.

As we differ materially in our construction of the 35th article of the treaty, I shall forthwith forward a copy of your official letter, with a copy of this response, to the Navy Department, in order to be informed if I am wrong in the matter.

I have the honor to be, sir, most respectfully, &c.,

G. F. PEARSON,
Admiral, Commanding Pacific Squadron.

Hon. A. A. BURTON,
*Minister Resident of the United States,
Bogota, United States of Colombia.*

Mr. Burton to Mr. McDermid,

LEGATION OF THE UNITED STATES,
Bogota, October 29, 1865.

SIR: I have the honor to be informed by your communication, dated August 13, 1865, of your arrival at Aspinwall, in command of the United States steamer James Adger, in relief of Commander George Henry Preble, lately commanding the United States steamer State of Georgia, at that port, and of your readiness to lend your co-operation in the protection of American interests on the isthmus.

Thanking you for your timely information and offering my best co-operation in the duties with which you are commissioned, I am, very respectfully, your obedient servant,

ALLAN A. BURTON.

JOHN MCDERMID,
*Acting Volunteer Commander,
Commanding U. S. Steamer James Adger, Aspinwall.*

Mr. Burton to Messrs. Davenport and Pearson.

Private.]

BOGOTA, October 31, 1865.

SIR: I have the pleasure to acknowledge the receipt of your official communication and esteemed private note of September 26 last. As the matter treated of has doubtless already received the attention of our government, no official expression on my part is necessary.

When I wrote, I supposed you had full instructions. I deemed it prudent, however, to simply state for your information the demands of this government under our treaty.

My concurrence with the President of Colombia was based on the proposed action of our government in 1862, under analogous circumstances, without reference to any private opinion of my own.

I beg to add that I regard the course pursued by acting Rear-Admiral Pearson and yourself as both judicious and fortunate.

I am, sir, very respectfully, your obedient servant,

ALLAN A. BURTON.

H. K. DAVENPORT, Esq.,
United States Consul, Panama.

Acting Rear-Admiral G. F. PEARSON, &c., &c., Panama.

Mr. Burton to Mr. Seward.

No. 207.]

LEGATION OF THE UNITED STATES,

Bogota, December 24, 1865.

SIR: It may not be interesting to the department to know that a special minister, Señor Matta, from Chili, arrived in this capital a month ago, and has departed for Venezuela. The object of the mission was to enlist the sympathies of Colombia on the side of Chili in her present contest with Spain. This government has been reticent on the subject, and has given no public expression of its sentiments.

The liberals here have declared warmly for Chili, as will be seen by the speeches at the banquet given the minister on the day before his departure. The conservatives are supposed to sympathize with Spain. Neither have anything more than words to offer.

Under the peculiar circumstances I think it prudent to forego the pleasure of entertaining Señor Matta officially, as is my habit on the arrival of a new minister. In this I had the example of the President and my colleagues.

The mission from Venezuela, which arrived here two months ago, is still treating with this government about some questions of long standing between the two nations, the principal being one of boundary. I think it probable that no understanding will be come to, and that the mission will retire soon. It seems very difficult for two Spanish American states to adjust any question of difference.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Burton to Mr. Seward.*

No. 211.]

LEGATION OF THE UNITED STATES,

Bogota, January 2, 1866

SIR: I have the honor to enclose for your instruction the annexed papers relating to the killing of George Holmes, said to have been a British subject, by a sentinel of the United States steamer James Adger, at Aspinwall, on November 10, 1865.

Her Britannic Majesty's legation here manifests considerable feeling on account of the occurrence, as does also the Colombian government.

I have not yet been furnished with the particulars of the affair except the account communicated by the department of foreign affairs, which may be partial.

The United States consul at Aspinwall having sent me a copy of the principal papers, enclosed with the note of the foreign secretary, I attach the latter copy.

The consul has doubtless sent a translation of his correspondence with the authorities of Panama, which I am compelled to omit for want of time.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Rice to Mr. Burton.*

CONSULATE OF THE UNITED STATES OF AMERICA AT ASPINWALL,

November 24, 1865.

SIR: I enclose correspondence in regard to the late event, which explains itself.

I will remark that a great deal of opposition is manifested here by the authorities, to the transit of troops without asking each time special permission, which question I had reason to

believe was definitely settled by a decree of the Colombian minister of foreign relations furnished me by General Sickles.

It seems to me that the right to cross the isthmus infers the right of the officers to protect their commands and to secure them from desertion while crossing.

You are aware that the Colombian government, notwithstanding, often asseverated claim that it is "always ready and able to protect the transit," and the transit of troops is frequently obliged to call for assistance of our naval forces to protect itself during times of slight disturbances on the isthmus, and that both national and Panama State governments have lately urged our assistance most strenuously when their authority was disputed by less than two hundred men.

I mention this to show that we have to rely mainly upon our naval forces for our own protection.

My main objection to advise the commander of the James Adger to deliver up the marine was that he acted under orders, and could not be justly tried by a court-martial of his own ship.

I am, very respectfully, your obedient servant,

F. W. RICE.

Hon. A. A. BURTON,
United States Minister, Bogota.

Mr. Burton to Mr. Rice.

No. 16.]

LEGATION OF THE UNITED STATES,
Bogota, December 20, 1865.

SIR: Your two notes of November 24, 1865, relating to the killing of a negro on the wharf at Aspinwall by a sentinel of the United States steamer James Adger, on the 10th ultimo, was received to-day. I will thank you to inquire into and inform me as fully as practicable of the facts connected with the occurrence.

I am, sir, your obedient servant,

ALLAN A. BURTON.

F. W. RICE, Esq.,
United States Consul, Aspinwall.

Señor Santiago to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA, OFFICE OF THE
SECRETARY OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, December 22, 1865.

The annexed documents will inform his honor of the unfortunate occurrence in Panama on the 10th of November last, being the causeless killing of a British subject by a soldier or mariner belonging to the United States steamer James Adger.

The undersigned calls the attention of his honor to the various circumstances which give to this act a delicate character, and which, without doubt, will induce the immediate and decided intervention of the honorable minister resident of the United States to cause the guilty to be delivered to the local authorities for due trial; and that he will disapprove the conduct of the North American agents, who have prevented the justice of the place from satisfying the demands of morals and the offended law on the author of the death of Holmes.

The undersigned does not believe that his honor can interpose any objection to the obvious principles adduced by the authorities of Panama against the false theory adopted by the commander of said steamer, and by Consul Rice, in order to withdraw from the territorial jurisdiction him who has committed a crime without his vessel, in the exercise of functions arbitrarily committed to him, against an honorable and innocent individual, and in abuse of hospitality and privileges extended.

On the contrary, the undersigned is persuaded that the crime of the 10th of November will have excited the noble personal sensibility and patriotic delicacy of his honor, and that the unjustifiable conduct of those who have thwarted or mocked the action of the legitimate authorities cannot but be rigorously characterized and prepared for a complete condemnation on the part of his honor.

The undersigned therefore abstains from all reflections which will occur to his honor, in order to pay due respect, in the name of his government, to the rights of Colombia, whose sovereignty is armed with exclusive power to try and punish crimes committed within her territory, and to satisfy, as is her duty, the demands of prompt and full justice, made in the name of the government of her Britannic Majesty.

Knowing, as his honor knows, the solicitude with which the government of the undersigned has, in not omitting any effort or lawful sacrifice to give to the interoceanic way the

greatest possible security, even to denying itself all purposes of gain on the isthmus and satisfying every liability for disorders occurring there, his honor will improve the present solemn opportunity of giving and renewing to the agents of his government in that part of the Colombian territory, and for the information and obedience of commanders of vessels going there, the necessary instructions, to secure deference and respect to the laws and national authorities which are there, to secure to them, above all, the gratuitous and pacific benefit of that natural privileged place, and from which they and all the world receive only the advantages of communication and commerce.

The undersigned improves the opportunity of presenting anew to his honor the assurance of his high consideration.

SANTIAGO PEREZ.

Señor Cespedes to Mr. Rice.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—PREFECTURE OF THE DEPARTMENT—NUMBER 405.

ASPINWALL, November 11, 1865.

The alcalde of this district, now busy with the investigation of the occurrences of last night, that is, the murder of a Jamaican by a shot from a gun in the hands of a soldier belonging to the United States war steamer James Adger, informs me officially that he needs the soldier at his office to explain the facts of the case above mentioned.

I make this known to you that you may request the captain of the said soldier to send him to the alcalde's office to give his deposition.

It is hardly necessary to call your attention to the nature of the offence committed on Colombian territory, to induce you to use your efforts for the satisfaction of public justice.

Your obedient servant,

JOSÉ A. CESPEDES.

The CONSUL of the United States of North America.

A true copy :

ITURRALDE, *Secretary of State.*

A true copy :

EUSTO. DE LA TORRENS,
Chief Official in the Department of the Interior and Foreign Relations.

Mr. Rice to Señor Cespedes.

CONSULATE OF THE UNITED STATES OF AMERICA,

Aspinwall, November 12, 1865.

SIR : I have received your note of yesterday, requesting me to send a marine of the United States navy, who is said to have killed a man of color while said marine was doing his duty as sentry on the United States steamer James Adger, to the office of the alcalde.

In reply, I have to say that the man is at the alcalde's disposal whenever he needs him, on the condition that you will send him back to the vessel as soon as he is examined.

With respect, yours,

F. W. RICE.

The PREFECT of the Department of Colon.

Correctly translated by the public interpreter, John Barsallo.

A true copy :

ITURRALDE, *Secretary of State.*

Señor Cespedes to Mr. Rice.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—PREFECTURE OF THE DEPARTMENT—NUMBER 406.

ASPINWALL, November 12, 1865.

Your official note of this date has been received in this office, and the undersigned is surprised at its contents. By our laws, and I believe by the laws everywhere, those who commit any offence, wilful or involuntary, are considered as guilty of a crime, and cannot be

witnesses at their own trial; therefore the undersigned cannot give the consul the guarantee requested. The undersigned informs the consul that the crime committed is a common one, and one of the most grievous known, committed outside the jurisdiction of the United States government, which is confined to occurrences on board their vessels of war, and does not extend to foreign territory.

So the criminal must be tried by the laws of this country, where the crime was committed, and therefore the undersigned hopes the consul will claim the criminal from the captain of the *James Adger*, to be delivered up to the competent judge for trial.

Your obedient servant,

JOSE A. CESPEDES.

The CONSUL of the United States of North America.

A true copy:

ANDRES F. BRID,
Secretary of the Prefect.

ITURRALDE, *Secretary of State.*

A true copy:

EUST. DE LA TORRENS,
Chief Official of the Department of the Interior and Foreign Relations.

Mr. Rice to Señor Céspedes.

CONSULATE OF THE UNITED STATES OF AMERICA,
Aspinwall, November 13, 1865.

SIR: I have received your second note, dated yesterday, in reference to the recent unfortunate accident, to which you allude in your first note. You say you need the seaman's presence "to take his deposition before the alcalde." On hastily reading your first note, I did not understand you as wishing to present the seaman to the alcalde as a criminal, nor am I certain of it now that I have read the note more carefully. But I was mistaken in your meaning, as your note of yesterday shows. I will now present your petition to the commander of the *James Adger*, but I cannot advise him to give the sailor up as a criminal. He was in the discharge of his duty when the accident happened, and was acting under orders from his superior officers. The vessel was coaling at the wharf, and by virtue of the special privileges granted to the government of the United States on this isthmus the local authorities have no right to interfere in the affairs and discipline of our vessels of war, while at the wharf or at their anchorage. I repeat, if the prefect wishes to investigate the affair, to report the facts to his government, the commander of the *James Adger* has not the least objection to furnish the information required, by interrogation on oath of any of his crew who were witnesses of the occurrence mentioned in your note.

Respectfully, yours, &c.,

F. W. RICE.

The PREFECT of the Department of Colon.

Correctly translated by Juan Barsallo, public interpreter.

A true copy:

ITURRALDE, *Secretary of State.*

A true copy:

E. DE LA TORRENS.

Señor Céspedes to Mr. Rice.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—PREFECTURE OF THE DEPARTMENT—NUMBER 407.

ASPINWALL, November 13, 1865.

The prefect acknowledges the receipt of your official note of this date. In his first note to you about the act of the soldier on the *James Adger* he said, "the person was wanted to give his deposition," and that is a preliminary examination that every judge has a right to make of the acts of the accused, but not on oath, for his instruction.

The prefect knows that the consul is perfectly aware of the correctness of the process, for it is customary among all nations, and hence his surprise at the note yesterday, and the reply, "that by our laws, and I believe by those everywhere, those who commit any offence, wilful or involuntary, are considered as guilty of a crime, and cannot be witnesses at their own trial;

and therefore the undersigned cannot give the consul the guarantee requested." The prefect understands that though you will demand the accused from the commander of the *James Adger*, you will now advise him to be given up as a criminal. Your attempt to justify an act that resulted in the death of a man is so futile it needs no notice; yet you will agree that the sentry had no order to fire on the *Jamaican*; for, in the discharge of his duty, he is commanded to kill nobody, but simply to guard the vessel at the landing.

The event will be made known to the president of the State to-day, that he may give instructions about the unpleasant affair.

I remain your obedient servant,

JOSE A. CESPEDES.

The CONSUL of the *United States of America*.

A true copy:

ANDREW T. BRID, *Secretary*.

ITURRALDE, *Secretary of State*.

E. DE LA TORRENS,

Chief Official in the Department of the Interior and Foreign Relations.

Mr. Henderson to Señor Perez.

BRITISH CONSULATE,

Panama, December 15, 1865.

SIR: I have received a despatch from Mr. Taylor, British vice-consul at Aspinwall, informing me that George Holmes, a British subject, was killed by a gun-shot, in that place, on the night of the 10 instant. From information given to Mr. Taylor, he learns that, about eleven o'clock on the night mentioned, Holmes went under one of the sheds to rest himself, when a sentinel belonging to the ship *James Adger*, of the United States, who had been stationed on the wharf—I cannot say for what purpose or by what authority—came up to him and asked him for tobacco and money. Holmes refusing, the sentinel ordered him to leave the wharf, and as he did not obey, shot him dead instantly. It may be well to add that George Holmes was a respectable man, well acquainted with military discipline, as he served twelve years in the British army, whence he was discharged in 1860, with a certificate of good conduct, a medal of honor, and a pension. It is also well known that the covered wharf where he met his death is a place where laborers of Aspinwall often sleep, and I have not been able to learn that any notice was given on that night that the wharf was occupied by a foreign military force, authorized to eject persons that were in the habit of coming there at night to rest from their labors.

I am sure you will agree with me that this is a case that requires immediate and careful examination by the courts of the country; and I respectfully request you to enable me to inform her Majesty's government of the steps that have been taken for a vigorous and formal trial, and punishment of the accused, if he be found guilty.

I have the honor to remain, your very obedient servant,

C. A. HENDERSON.

A correct translation by the public interpreter, Manuel De J. Bermudez.

A true copy:

ITURRALDE, *Secretary of State*.

E. DE LA TORRENS,

Chief of the Department of the Interior and Foreign Affairs.

Señor Jil Colunje to Mr. Rice.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—EXECUTIVE POWER—
PRESIDENCY OF THE STATE—NUMBER 66.

PANAMA, November 20, 1865.

SIR: I have examined your correspondence with the prefect of Aspinwall, about the violent death of George Holmes, a British subject, by the hands of a soldier or seaman on the *James Adger*, of the United States navy.

The soldier or marine was acting as sentinel on one of the covered wharves in the port of Aspinwall; the prefect claimed him from you, that he might give preliminary evidence, and you replied, "that the man was at the disposal of the alcalde whenever he needed him, on the condition of returning him to the vessel as soon as he is examined." The prefect expressed surprise at your answer, containing these words: "I will now present your petition

to the commander of the *James Adger*, but I cannot advise him to give the sailor up as a criminal. He was in the discharge of his duty when the accident happened, and was acting under orders from his superior officers. The vessel was coaling at the wharf, and by virtue of the especial privileges granted to the government of the United States on this isthmus, the local authorities have no right to interfere in the affairs and discipline of our vessels of war, while at the wharf or at their anchorage."

Allow me to say, Mr. Consul, in all frankness, that your language just quoted is neither acceptable to the national government, nor to the local government, of which I am chief. In the first place, the prefect did not beg you to deliver up the man, but commanded it, by the sovereign right that every nation exercises over its own territory—a right which the United States of Colombia have not abdicated to any other nation.

In the second place, your duty was, not to advise the commander of the *James Adger* not to give up the culprit, but to let him know it was his duty to give him up, to be tried by the Colombian authorities as the murderer of George Holmes. In the third place, although the *James Adger* was coaling at the wharf, as you say, the seaman was not authorized by the public authorities to stand as sentinel on the wharf, and even if he had, the crime committed was in violation of Colombian laws, as vessels of war have no jurisdiction on shore, and the country's jurisdiction extends three leagues at sea.

Your nation does not enjoy the special privileges you invoke. The United States have relinquished none of their sovereignty to your nation, or to any other. As proof of what I say, I enclose you a copy of the treaty of 1846, which was sent by our secretary of foreign relations to Mr. Burton, your minister, on the 16th of October last, though I presume you are already acquainted with it.

Now, I deem it my duty to claim, as I now do, the murderer of George Holmes, to be tried according to law; and I desire an immediate reply, so that I may inform my government of all that has occurred in this case.

With great consideration, I remain your obedient servant,

JIL COLUNJE.

Mr. F. W. RICE,
United States Vice-Consul at Aspinwall.

A true copy:

ITURRALDE.

E. DE LA TORRENS,
Chief Official in the Department of the Interior and Foreign Affairs.

Señor Céspedes to Señor Perez.

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA—PREFECT OF THE
DEPARTMENT—NUMBER 111.

[Translation.]

ASPINWALL, November 14, 1865.

MR. SECRETARY OF STATE: Enclosed you will find certified copies of the notes that passed between the American consuls at this port and the undersigned, all referring to the murder of a Jamaican by a soldier of the steamer *James Adger*, on the night of the 10th instant. You will see by them that the consul refused to deliver the criminal to the authorities here, in violation of our laws.

Primary examination shows the facts of the case, that the accused is guilty, and the undersigned will send a copy of the minutes if you desire it.

The British consul at this port has written the facts to his colleague in Panama, I have been told, and they are already condemned in public opinion.

Your obedient servant,

JOSÉ A. CESPEDES.

A true copy:

ITURRALDE, *Secretary of State.*

E. DE LA TORRENS,
*Chief Official in the Department
of the Interior and Foreign Relations.*

Mr. O'Leary to Señor Perez.

BOGOTA, December 21, 1865.

SIR: By the mail which reached this capital yesterday, with sentiments of horror and indignation, which I am sure will be shared by every Colombian, I hear of the assassination of a respectable British subject, named George Holmes, in Aspinwall. From the account

of her Majesty's consul in Panama, it seems that about eleven o'clock at night, on the 10th of November last, Holmes went under one of the covered wharves at Aspinwall to sleep, when a sentinel belonging to the American gun steamer James Adger, who had been posted there without authority, came up to him and asked him for tobacco and money. Holmes refusing, the sentry ordered him to leave the wharf; and as he did not obey, shot him dead upon the spot.

According to report, Holmes was a man of good character, well acquainted with military regulations, as he served twelve years in the British army, whence he was honorably discharged in 1860, with a certificate of good conduct, a medal and a pension. It is also well known that the covered wharf where he was killed is a place in which laborers often sleep; and I have not been able to learn that any notice was given on that night that the wharf was occupied by a foreign military force authorized to eject persons that were in the habit of coming there at night to rest from their labors.

The authorities of Aspinwall having examined the case and obtained sufficient evidence of guilt to authorize a criminal prosecution, demanded the surrender of the accused; but, as you know, their laudable efforts for justice have been frustrated by circumstances which they could not control.

As it is the duty of the national executive power to see that the laws of the republic are enforced, I have no doubt but the case will be instantly attended to, with all the energy it demands.

It is scarcely necessary to add that I will be much obliged to you for information of whatever is done in the case by the government.

I embrace the occasion to renew the assurances of my distinguished consideration.

CHARLES O'LEARY.

His Excellency SANTIAGO PEREZ,
Secretary of State of Colombia for Foreign Affairs.

A true copy:

E. DE LA TORRENS,
Chief Official in the Department of the Interior and Foreign Relations.

Mr. Burton to Mr. Perez.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, December 25, 1865.

The undersigned, minister resident of the United States of America, has heard with sincere regret, by a communication which his excellency Señor Santiago Perez, secretary of the interior and foreign relations of the United States of Colombia, did him the honor to write him under date of the 22d instant, of certain occurrences at Aspinwall, which resulted in the death of the British subject George Holmes, on the 10th of November last.

The undersigned has hastened to direct the appropriate inquiries into the circumstances attending the unfortunate event, and will be grieved to know that his excellency's condemnation of the conduct of the officer named is justified by the facts; and that the affair may receive the attention due to its gravity, no time will be lost in placing it before the government of the United States, and no pains spared which may be conducive to the ends of justice.

The undersigned avails himself of the occasion to assure his excellency of his distinguished consideration.

ALLAN A. BURTON.

His Excellency Señor SANTIAGO PEREZ,
Secretary of the Interior and Foreign Relations.

Mr. Burton to Mr. Seward.

No. 212.]

LEGATION OF THE UNITED STATES,
Bogota, January 11, 1866.

SIR: I have the honor to enclose for your directions the annexed papers relating to the alleged misconduct of United States troops in crossing the isthmus of Panama in August and November, 1865, some account of which will be found in the letter of Vice-Consul Robinson, of Aspinwall, dated on August 31st, 1865, attached to my No. 190, marked F.

On receiving the note A of the foreign secretary, I obtained an interview with him and assured him of the sincere regret with which the government of the

United States would hear that just cause had been given by its officers or citizens for a modification of the understanding of May 15th, 1865, and that I felt sure the occurrences complained of in his note would be speedily investigated, and the demands of justice satisfied; that no pains would be spared to avoid any irregularity in future, and that I could assert with confidence that my government would be as much pained as his could be to know that its officers had been in the least wanting in the respect due to Colombia, and which it would always be its highest pleasure to see observed.

That on further inquiry it might turn out, as he had intimated as possible, in his note, that the circumstances were not such as they had been represented, and that I regretted the prompt action his government had felt called upon to take, all the more as the government of the United States might in due time adopt measures which would render that action unnecessary. He replied that the conduct of the United States officers on the isthmus of late had somewhat irritated the authorities of Panama, and that the proposed modification was by no means inspired by jealousy, or a captious spirit.

That the only object was to prevent possible collisions, as he hoped I well knew that Colombia desired to comply fully with the spirit of the treaty of 1846; indeed, that his government was disposed to grant us all the favors reasonably to be desired. That the orders to the President of Panama, of May 15, 1865, would, for the present, remain unchanged, while a more thorough inquiry into the facts could be made, and that the government of the United States could, in the mean time, have an opportunity to look to these matters. I thanked him for this kindly expression, and assured him that it would be properly appreciated by my government, which desired nothing from Colombia that it was not in strict justice entitled to; reminding him, however, that I did not wish to be understood as giving any opinion on the charges made against the United States officers, but reserved that until the whole fact should be known.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Perez to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA, DEPARTMENT OF THE
INTERIOR AND FOREIGN RELATIONS,
Bogota, January 4, 1866.

SIR: In accordance with article 35 of the treaty between New Granada (now United States of Colombia) and the United States of North America, the government of this republic has permitted the transit of North American troops through the isthmus of Panama, in the sense of the instructions dictated in the department of the interior and foreign relations of Colombia, on the 13th of May last, of which the honorable minister resident of the United States of North America had acknowledged by an authorized copy of such document that was opportunely sent to him.

But this transit and the guarantee, by way of compensation, which has been offered to the Colombian government have been a source of difficulties by which, unfortunately, the dignity of the republic has been compromised, and consequently the good relations of friendship which it now happily preserves with the American Union.

Of this, new testimony is given by the documents that the undersigned has had the honor to communicate to his honor with his note dated the 16th of October of last year, that bear relation to the acts of Rear-Admiral Pearson in the port of Panama.

The mail recently arrived from the Atlantic coast brought important data on the same subject, which the undersigned considers worthy of the serious attention of the American government, and of its minister resident in this capital.

As the facts to which he will make reference are not sufficiently detailed, perhaps for want of time, the undersigned, in having full knowledge of the circumstances that accompany them, will take the liberty to again renew the subject to the honorable minister, making on

them such observations and demands as may be just, and appear well founded. The accompanying documents will inform his honor of the reclamation presented by the vice-consul of her Britannic Majesty in favor of the English subject Jos. Heady for \$114 60, which were violently taken from his store by the soldiers of the 14th regiment of the United States of North America, on the night of the 26th of August last.

In the month of November last, a regiment or brigade of the same troops crossed the isthmus *en route* for California. Some soldiers having deserted their chiefs, instead of appealing to the local authorities for the apprehension of the deserters, a picket of their own forces was designated for that purpose, which went armed and in a body reconnoitring the streets of the capital of the State.

The violent death of the British subject George Holmes, by an American soldier or mariner, is also a notable fact.

From the foregoing relation of facts, which the undersigned must, with due solemnity, and as soon as possible, call to the enlightened attention of his honor, in recognition of the respective grave demands, and from some former notes of the undersigned his honor will be convinced that the passage of North American troops, made as it has lately been done by the agents of the government of his honor, may occasion bloody collisions and lamentable abuses, aside from compromising the most sacred of all things, namely, the national sovereignty, which evidently is bound, not only for transgression already alluded to, but also for acts of jurisdiction exercised by North American military chiefs in Colombian territory; that this government is bound to preserve the most strict neutrality, and whose sovereignty is guaranteed to the national government.

In order to proceed in this important affair with due accord, once that the interests are consulted, the legitimacy of which his honor cannot less than recognize, the undersigned has thought it convenient, with the good designs of the two governments, one toward the other, to direct to his honor the present note, which he terminates in offering to the minister the assurance of his profound consideration.

SANTIAGO PEREZ.

Señor ALLAN A. BURTON,
*Minister Resident of the United States
of North America, &c., &c., &c.*

Mr. Taylor to the Prefect of the Department at Aspinwall.

BRITISH VICE-CONSULATE,
Colon, September 14, 1865.

SIR: Permit me to enclose to you a copy of the price list which has been sent to me by Jos. Heady, of goods alleged to have been plundered from his store in this city, by a party of the 14th United States regiment, on the night of the 26th of August last.

As you are already fully aware of the circumstances of the case, and, as I understand, vigorously lent your authority to suppress the lamentable excesses of those disorderly soldiers on the night in question, I need not here trouble you with the rehearsal of those circumstances.

You will observe that the amount of Heady's claim is \$114 60, a large sum to a poor struggling tradesman; but I rely with confidence on your assurances that you will, to the utmost, use your influence to cause him, and the other parties similarly situated, to be paid the value of the goods of which they were plundered.

I am not aware whether any claim has been made by any of those parties for compensation for the (in some instances severe) personal injuries which they sustained from the soldiers, but I venture to suggest that it is a matter worthy of your consideration.

With renewed assurances of high consideration, I am, sir, your obedient servant,
THOMAS C. TAYLOR, *British Vice-Consul.*

The PREFECT of the Department at Aspinwall.

List of goods belonging to Joseph Heady plundered by the fourteenth United States regiment, on the night of the 26th of August.

35 bottles of rum, at 50 cents per bottle.....	\$17 50
6 bottles of gin, at 50 cents per bottle.....	3 00
4 dozen claret wine, at 6 dollars per dozen.....	24 00
2 dozen port wine, at \$12 dollars per dozen.....	24 00
4 dozen pints of ale, at 25 cents per pint.....	12 00
1 bottle of bitters.....	1 00
3 dozen boxes of sardines, at \$3 per dozen.....	9 00
2 boxes of cigars, at \$5 per box.....	10 00
Clothing.....	10 00
Cash taken out of the till.....	3 50
Bread.....	60
Total.....	114 60

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA, EXECUTIVE POWER OF THE STATE—OFFICE OF THE SECRETARY OF STATE, GOVERNMENT SECTION, NUMBER 291—SECRETARY OF THE INTERIOR AND FOREIGN RELATIONS.

For the knowledge of the citizen President and for the proper purpose, by order of the executive power of the State, I pass to your hands original copies of a note directed by the vice-consul of the United States of America, in Colon, to the prefect of that department, on the claim that Joseph Heady makes for the commercial effects which the soldiers of the fourteenth regiment of said United States took on the night of the 26th of August last, A list of those effects, and a copy of the note of the prefect, with which he passed them to this office.

These, and other acts of like nature, are demonstrating, Mr. Secretary, the little respect that is had for these countries by even the northern soldiers.

Your attentive servant,

MATTEO ITURRALDE.

A copy:

EUSTACIUS DE LA TORRE,

The First Official of the Department of the Interior and Foreign Relations.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF PANAMA, OFFICE OF THE PREFECT OF THE DEPARTMENT—OCTOBER 5, 1865, NUMBER 89—SECRETARY OF STATE.

I have the pleasure to enclose the original documents relative to the claim made through the English vice-consul in this port, by Joseph Heady, of the goods taken by the soldiers of the fourteenth regiment of the United States of North America, on the night of the 26th of August of the present year, in their passage through this city.

You will be pleased to send them to the office of the citizen President, that he may determine what he believes most convenient.

I am, sir, your attentive servant,

JOSÉ A. CESPEDES.

A copy:

ITURRALDE,

Secretary of State.

Mr. Burton to Señor Perez.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, January 8, 1866.

The undersigned, minister resident of the United States of America, has received the communication which his excellency Señor Santiago Perez, secretary of the interior and foreign relations of the United States of Colombia, did him the honor to write him under date of the 4th instant, concerning the alleged misconduct of United States troops on their passage over the isthmus of Panama in August and November last, in connection with which his excellency has been pleased to announce certain views of his government touching the reciprocal rights and duties of the two nations as regulated by article 35 of the treaty concluded between them in 1846, and also certain measures deemed necessary to be adopted to insure the pacific transit of the isthmus by troops of the United States. Before receiving his excellency's communication some account of the affair referred to, of August, 1865, had been repeated to the undersigned by Mr. Robinson, United States vice-consul at Aspinwall, Colon, which, in November last, he sent to his government for its consideration and instructions, and he will now lose no time in adding the communication of his excellency, with its accompanying documents.

The undersigned would lament as sincerely as his excellency could, any want of respect or other irregularity on the part of his countrymen towards Colombia, and, while he trusts it is unnecessary for him to do so, he feels perfectly safe in assuring the Colombian government that an investigation of the alleged abuses, if not already made, will be speedily made, and such action taken by the government of the United States as may comport with the justice and the intimate friendship and respect happily existing between the two countries.

The importance of the matter involved considered, his excellency will doubtless see the propriety of its reference at once by the undersigned to his government, which renders at present premature any expression of opinion as to the construction put by the government of Colombia upon the article of the treaty in question.

The undersigned embraces this opportunity to repeat to his excellency the assurances of his very distinguished consideration.

ALLAN A. BURTON.

Mr. Burton to Mr. Seward.

No. 213.]

LEGATION OF THE UNITED STATES,

Bogota, January 18, 1866.

SIR: Referring to my number 174, which related to the firing on the steamer Antioquia in March, 1864, I now have the honor to enclose the annexed correspondence concerning that occurrence, in addition to that heretofore submitted.

The true nature of this case will be found more fully stated in a paragraph of my number 196.

I regret to have to add that I have no expectations that any proceeding will be taken to punish Señor Berrios.

The assurance given by the secretary in concluding his note D, that he would notify me of the result of the orders given to the State of Bolivar, is practically equivalent to saying that he wishes to hear no more on the subject; for, as no steps will be taken, he will have nothing to communicate, and will not mention the affair again unless I call his attention to it, to be answered by a repetition of the promise.

I have already waited more than a reasonable time, without receiving the promised notice.

I have honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Burton to Señor Perez.*

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, September 11, 1865.

The undersigned had the satisfaction to learn from the note of his excellency, the secretary of the interior and foreign relations of the United States of Colombia, dated on February 16th, 1865, that the convenient measures had been taken anew in relation to the firing into the steamer Antioquia, at Magangué, on March 9, 1864, to which it was his disagreeable duty to call the attention of the Colombian government by his communications of May 4th, June 4th, October 15th, 1864, and January 20th, 1865.

Resting assured that the authors and agents of this cruel and unjustifiable act would receive due punishment, the undersigned has refrained from further obtruding the matter on the notice of his excellency. He has, however, lately learned, with painful surprise, that Señor Julian J. Berrios, the officer who ordered the assault on that boat, filled for three or four months afterwards the office of contador general of Bolivar, discharging its duties in the capital of that State, riding out daily and publicly in the carriage of the president himself; and, moreover, that he was continued in the office of governor of Magangué, the scene of his former barbarous conduct, until November last, and is now going at large unmolested. The simple statement of these scandalous facts dispenses with all comment. The undersigned therefore confines himself, in accordance with the positive orders of his government, to repeating the expectation that condign punishment will be speedily inflicted on Señor Berrios, his agents, and accomplices.

The undersigned avails himself of this occasion to renew to his excellency Señor Perez the assurance of his very high consideration.

ALLAN A. BURTON.

The SECRETARY OF INTERIOR AND FOREIGN AFFAIRS,
of the United States of Colombia.

Mr. Mathieu to Mr. Burton.

No. 25.]

CONSULATE OF THE UNITED STATES,

Cartagena, August 28, 1865.

SIR: In answer to your private note of the 13th instant, I have to report to you officially that Julian J. Berrios, who, in March, 1864, ordered the steamer Antioquia to be fired into,

has been, during three or four months, contador general del estado—that is, as far as September or October, 1864; that he was appointed governor of the province of Magangué, and was governor when the late revolution broke out; and, finally, that he is now in Ocaña, or its neighborhood. He is called Doctor Berrios, not a physician, but a lawyer, and was born in that part of the country.

I am, sir, very respectfully, your obedient servant,

ALBERT MATHIEU,
United States Vice-Consul.

Hon. ALLAN A. BURTON, *Bogotá.*

Extract from a private note.

AUGUST 28, 1865.

* * * * *

"Nothing has been easier for me to find out than that Julian J. Berrios was a public employé in Cartagena during three or four months, and that he was governor of Magangué when the revolution broke out in November last.

"He is now in Ocaña, or somewhere there. To pretend he cannot be found is a * * * * *.

"The man was here last summer, driving almost every day in Mrs. or Mr. Nieto's (the president of the State) carriage.

"I understand that some kind of trial took place, but that it was hushed up, and was merely a farce to cover and protect the man who ought to have been punished.

"I should not be surprised if you were now answered that he is gone from Ocaña and cannot be found any more.

"I make you this proposition: give me the order to carry to you this man, bound hand and foot, and you will have him within two months.

"I am used to these answers.

"You must only get the authorization from the executive, that I may take hold of him, and you will see if I do not carry the man to you."

* * * * *

I am well assured of the truth of the foregoing extract, and communicate it in confidence to his excellency, the secretary of the interior and foreign relations.

ALLAN A. BURTON.

Mr. Perez to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA—DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTÁ, September 19, 1865.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, received the communication which the Hon. Mr. Allan A. Burton did him the honor to address him on the 11th instant, with the object of putting within the knowledge of the Colombian government that Señor Julian J. Berrios, commander of the troops which attacked the steamer Antioquia on the 9th of March, 1864, at Magangué, was, after that event, a public officer in the State of Bolívar, and in which his honor expresses, at the same time, the confidence he entertains that said señor will be duly punished.

In answer, the undersigned informs the honorable Mr. Burton that, notwithstanding, there has been received at this department the report, a copy of which accompanies this note, and in which his honor will see an explanation of the case which led to the cause of the attack, the executive power, who has a strong desire that the violators of the national laws shall not escape with impunity, not deeming the explanation sufficient, has renewed the demand on the government of Bolívar for the punishment of those guilty of that act, and asking for the steps that may have been taken to that end; and, likewise, explanations have been demanded as to Señor Berrios having been continued in the exercise of public office in that State, and why he is now found at liberty.

The undersigned will communicate to the Hon. Mr. Burton in due time the result of these steps, and improves the occasion to renew the assurances of his distinguished consideration.

SANTIAGO PEREZ.

Hon. ALLAN A. BURTON,
Minister Resident of the United States of America.

The Governor of Magangue to the Secretary General of the State.

[Translation.]

UNITED STATES OF COLOMBIA—SOVEREIGN STATE OF BOLIVAR—NUMBER 35.

CARTAGENA.

Your note, No. 148, of the 19th ultimo, including that addressed to your department by the governor of the province of Baranquilla, has been read, and, in obedience to the orders written in the margin thereof, I report as follows:

At the time when the shots were fired at the steamer Antioquia by the soldiers of the guard stationed on the confines of this place, in the south of the province, I was confined to my bed by an acute fever which had prostrated me, and neither saw nor knew anything that took place on that day: but I was afterwards informed that as the steamer Antioquia was approaching the point occupied by the soldiers, the sentinel in due time hailed her repeatedly, without the captain paying any attention to the call for changing the movement of the boat, and a white flag was then set up as a notice, and, nevertheless, the boat kept swiftly on her course, regardless of everything, although the whole guard were running after her demanding that she should land, and then go on her way undisturbed. But the soldiers seeing that she did not check her speed, nor any sign that indicated it, and seeing, finally, that she was not inclined to land, but, on the contrary, instead of turning to the landing, struck towards the opposite shore, which indicated that she was going out of reach—then the soldiers fired on her, having orders to that effect from the military commandant in chief, given in consequence of the steamer Tequendama, or her captain, having made irritating sport of the authorities of the plaza. So, taking these things into consideration, it was to be supposed as probable that the steamer Antioquia was going to imitate what the Tequendama had done, and thereupon the guard fired into the pilot-house of the boat, striking it almost in the centre.

The guard had followed the boat a distance of about three hundred and twenty-five yards from the point where they were stationed before firing, and it cannot be said that the steamer was seeking a good landing, for the whole shore from where she was first hailed is a good landing.

I submit the foregoing as the report which has been demanded of me.

I am your attentive servant,

ANDRES GUTIERREZ.

APRIL 26.—Return the note No. 35, that it may be signed by the governor of Magangue.

By the citizen President:

ESPRIELLA.

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF BOLIVAR—NUMBER 43—THE GOVERNOR OF THE PROVINCE OF MAGANGUE.

MAGANGUE, May 3, 1864.

I return to you, signed, the official note which by an oversight, involuntary, on my part, I left without my signature. I thus answer your note No. 243, section of Government, dated April last, 26th.

I am your attentive servant,

ANDRES GUTIERREZ.

The SECRETARY GENERAL OF STATE, *Cartagena.*

MAY 14.—Let this be filed.

MARCH 10, 1865.

A copy:

M AMADOR FIERRO,
Secretary General of State.

A copy:

ENSPR. DE LA TORRE,
Assistant Secretary.

Mr. Burton to Mr. Seward.

No. 214.]

LEGATION OF THE UNITED STATES,

Bogota, January 20, 1866.

SIR: I have the honor to enclose the annexed papers relating to the seizure on the Magdalena river, on December 11, 1865, of the steamer Antioquia, the same mentioned in my number 213 and various previous despatches.

The stock in the company to which the Antioquia belongs is owned chiefly by citizens of the United States. After consultation with her Britannic Majesty's chargé d'affaires, we advised Mr. Joy, the company's agent, to address his reclamations directly to the Colombian government, which he did, but received no substantial satisfaction, except an order for the return of the boat.

The resolution to submit the question of damages to the supreme court, and to bring the wrong-doers before that tribunal for trial, though apparently fair, is simply a shift to evade responsibility.

The vessels of this company came into Colombian waters under the invitation and guarantee held out by the laws of this republic. (See papers R, S, and T, hereto attached.)

The enterprise has proved beneficial to this country, but until two years ago not profitable to their owners.

The boats carry the American flag, in accordance with the Colombian laws.

This gives some importance to the enterprise of our people and to our national name, and tends to increase the trade of our country.

Señor Vengoechea, who seized the boat, is a part owner of a rival line lately established. The boats of the rival line were accessible, and not employed at the time of the seizure. His is a Colombian company, and cannot successfully compete with that managed by Mr. Joy. There was, however, no public necessity for taking the boat, and I am satisfied that private interest was the sole cause of the act.

By the national laws this proceeding is unjustifiable under any circumstances.

The return offered by the President of Magdalena was most likely pretended. It consisted in granting the privilege to the owners to seek for and receive the boat wherever she might be found, and whatever might be her condition, instead, as would have been just, of delivering her at the company's ship-yard in Baranquilla, or making a judicial deposit of her in case the tender was refused. The offer imposed on the company the unjust necessity of searching for her over six hundred miles of river and bayous. This would have required another boat, which the company could not spare without incurring a forfeiture by a failure to perform its mail contract, which the President well knew. His acts do not stamp with sincerity the regrets expressed in his note D.

The evasive and unsatisfactory manner in which the national government disposed of the case induces the belief that it sympathizes with the conduct of the State. This is, indeed, more than probable.

The government of Magdalena is composed of the political friends of the national administration, while the enemies whom the former was fighting are hostile to the latter also.

Before taking any action in the case, the British chargé d'affaires and I have deemed it advisable to refer it to our respective governments for instruction.

In connection with this affair, I beg to be excused for repeating what I have felt it my duty to state to the department heretofore, that summary and energetic measures alone can put an end to the constant oppressions of our citizens on the Atlantic coast. To permit the injury to be inflicted, looking to the general government for reparation, is entirely illusory.

This government is not moved by the sense of justice to render this a sufficient remedy. It is, in fact, no remedy at all.

I have the honor to be, sir, your obedient servant,

ALLAN A BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Chapman to Mr. Burton.

CONSULATE OF THE UNITED STATES OF AMERICA FOR SARANILLA.

Baranquilla, December 16, 1865.

SIR: I have the honor to enclose herewith a copy of the communication received from Mr. Robert A. Joy, in which he calls my attention to the fact that the steamer Antioquia, flying the American flag, while on her downward trip from Nare, was, on the 11th instant, seized by Mr. Manuel Vengoechea in the name of the State of Magdalena, her cargo, mails, and passengers landed at Calamar, and the steamer carried off by force.

In reply, I notified Mr. Joy that the fact to which he alluded would be brought to the notice of the proper United States officials for them to determine the steps to be taken in regard to the affair.

I am, sir, very respectfully, your obedient servant,

WILLIAM A. CHAPMAN.

Hon. ALLAN A. BURTON,
United States Minister, Bogota.

COMPANIA DE NAVIGACION POR VAPOR EN EL RIO MAGDALENA,

Baranquilla, December 14, 1865.

SIR: I have to inform you that the steamer, Antioquia, under the American flag, was seized by Mr. Manuel Vengoechea in the name of the State of Magdalena, on the 11th instant, when on her downward voyage from Nare, and brought to Calamar by armed force. Her cargo, mails, and passengers were landed there, and the steamer carried off by him. At the earliest opportunity, I intend to bring the affair before the notice of the United States minister at Bogota.

I inform you of the same for your government, and remain your obedient servant,

R. A. JOY.

Señor Vengoechea to Mr. Joy.

[Translation.]

APPROPRIATION OF THE STEAMER ANTIOQUIA.

SIR: I had the honor to write to you from Calamar that in my character of agent of the government of Magdalena I had found myself under the painful necessity of expropriating the steamer Antioquia, belonging to the company Unida, and that Captain Maal having abandoned a cargo and national mail which was on board, I had deposited the former with the wife of Señor Arrazola and Señor Ballestas, and the latter was forwarded to its destination, together with the treasure that I found on board. I had not time then to manifest to you the reasons which I can produce in the name of the State of the Magdalena to justify the proceeding. I now do so in this letter, which will be published. The law of 1864 about steam navigation in the river Magdalena is one of many acts issued by our Congress, less to satisfy the necessities of the country than to favor some person in particular; on this account the law is unjust.

There is nothing sacred in the State of Colombia when political parties dispute for the possession of power by force of arms. Life, liberty, and the property of citizens are at the mercy of the belligerents, who abuse more or less the power which is called force. I do not say that this ought to be so; I simply say that it is so. Nevertheless the national law has wished to withdraw the steamers navigating the Magdalena from the omnipotent power held by the parties contending under arms; and why? Here collects all that is unjust in the law.

A steamer is not more precious than any other property, and if the privilege has been granted because the general government has reserved to itself the navigation of the rivers which wash the territory of more than one State, then the law ought to have protected all description of vessels, because the canoe which is taken from the poor boga is of as much value to him as a steamer to a rich company. But as the law has not calculated the justice of the principal, the result is to-day that while the rebels in the Banco have appropriated a champan and cargo belonging to Mr. Trespalacios, without being responsible to the national government, the State of Magdalena, yet, would be responsible for the appropriation of the Antioquia if the vessel had been simply appropriated contrary to law; but it has not been so, the vessel being hostile to the government of Magdalena, and having been not only wanting in neutral obligations, but also to the intimations made by the legitimate authorities, ought to have been and has been legally taken possession of as a transport employed in the service of the enemy.

I beg of you to judge with calmness the acts which I am going to state, and which I now respectfully submit to the impartial decision of opinion, and afterwards to the national tribunals. The protection conferred by the national law on the steamers to navigate, and the rigorous prohibition of said law, necessarily implies the duty on the part of the vessels and the employés to observe the strictest neutrality in the internal contentions of the State.

It does not appear that the steam companies have occupied themselves in fulfilling this duty, and the government of Magdalena has observed with concern that since the pronunciamiento of the Banco, the steamers have been employed in the conveyance of revolutionists from various parts of the State of Bolívar to the port of Banco, and from there to many others, and that a trade has been carried on as free as it has been scandalous in the rebel port, of everything prohibited in time of war. The Antioquia, the employés of which cannot be ignorant of the melancholy history of this State, nor the unfortunate occurrences to which it is actually a victim, transported José María, and Manuel L. Herrera, Nicholas Fuentes, and others, to a port called La Gloria, above Banco. Three or four days afterwards that village pronounced.

The employés of the Antioquia could not be ignorant that to carry on board their vessel said parties, and to disembark them at a point of the bank never frequented, was bringing the war to places of the State which had remained faithful to the government; and this act, as notorious as it is public, constitutes a case of hostility executed against a legally constituted government.

When this same vessel commenced her 55th voyage from Baranquilla last month, the governor of that province, at the request of the government of Magdalena, gave notice to Captain Maal not to take on board Lewis Capella Toledo, Sinforoso Pumarejo, and others, who, being citizens of Magdalena, were refugees in that town, and whose removal to the interior had been demanded, notwithstanding such determined prohibition. The President of Magdalena learnt with surprise that Capella Toledo, Sinforoso Pumarejo, Fuentes, and the others, embarked on board the Antioquia in the port of Baranquilla, and that they disembarked in Banco in open day, and now they occupy the principal posts in the rebel army.

I seriously call your attention to the answers given by Captain Maal and Purser Jimeno, respecting these acts, in the declaration which I have the honor to enclose you a copy.

They confess that the governor of Baranquilla, Señor Ruiz, prohibited them, but they deny that any individual with the name of Lewis Capella Toledo or Sinforoso Pumarejo embarked on board the Antioquia, on the production of the list of passengers, these two names are not found, but the names of Lucio Castro Tomperalta i Salustiano Pinillos are noted, the initials of which correspond with those of these gentlemen.

The captain declares that he does not know Capella Toledo, nor Pumarejo, but confesses that he spoke to them to notify them that they could not go on board, which is an irritating contradiction that he has committed.

In his town the purser finds a difficulty in declaring under oath that he does not know Capella nor Pumarejo, and that he did see them on board during the voyage, nor did he know then or afterwards that they had gone to the Banco in the Antioquia; but the public fact, manifest and affirmed by a thousand declarations, is, that Lucio Capella Toledo and Sinforoso Pumarejo went up in the steamer Antioquia and landed at Banco at 12.45 p. m. of the 20th of November.

This is not simple hostility; this is war, and Magdalena has a right to seize all vessels which ought to be neutral, but are occupied in making war against it. This right, I say, will be explained by the national tribunals, to which the government of Magdalena will appeal, claiming the confiscation of the vessel for the violation of international law, which I believe will be applicable in this case.

From the moment that I received the declarations of Captain Maal and Purser Jimeno, and knowing, as I know positively, that Captain Toledo and Pumarejo went to Banco on board the Antioquia, I did not vacillate an instant in placing the vessel in the service of the government, notwithstanding the respect that a citizen of my position ought to have for every law, just or unjust, and likewise in spite of considerations concerning me personally, which may cause the belief that I have adopted this measure from a mercantile spirit.

I firmly believe that the employés of the Antioquia have compromised the neutrality of the vessel, that they have made themselves accomplices and aids of the rebels, and that the government, in reprisal, has done right in seizing the vessel.

If I am mistaken, let the judicial power, whose duty it is to resolve, declare so.

In that case, the government of Magdalena will religiously pay what may be due for the use of the vessel, and for the damages which may have been occasioned; and to be prepared in every case.

I have received from Captain Maal the vessel and all its stores, by a rigorous inventory, and the vessel will be valued as soon as it arrives at a place where competent persons can be found.

Such are, sir, the reasons upon which I dictated the decree of the 11th instant, an authorized copy of which I gave to Captain Maal.

I remain sir,

MANUEL A. VENGOECHEA.

R. A. JOY, Esq., Agent of the United States Steamship Company.

[Translation.]

APPROPRIATION OF THE STEAMER ANTIAGUA.

BOGOTA, January 5, 1866.

SIR: I have seen in the columns of the *Tiempo*, of the 3d instant, your letter addressed to me as agent of La Compania Unida, and in answer I will say a very few words.

I will leave the States and the Congress to judge respecting the convenience and justice of the law of 1864, about steam navigation of the river Magdalena, and the sacredness of the interests of a whole nation in comparison with those of a single State, and limit myself to the question of carriage of passengers, which is the pretext for the outrage which has been committed.

The constitution of the Colombian Union, treating of individual guarantees, in the second section, article 15, paragraph 8, says:

"Liberty to travel in the territory of the United States, and to leave it without the necessity of a passport or permit from any authority in the time of peace, unless the judicial authority should have decreed the detention of the individual."

The before-mentioned navigation law of 25th of May, 1864, says that "the government's functionaries and employés of the State are prohibited from—

"2. Subjecting to formalities of any kind the loading or unloading of the vessels, their voyages or stoppages, so that these operations may be performed with the greatest freedom, and without restriction or detention of any kind.

"3. From subjecting the passengers and crew of vessels to formalities or obligations."

From this the deduction is clear that neither the authorities of Baranquilla, nor the employés of the Compania Unida could prevent passengers from embarking or disembarking from the steamer Antioquia, and so I manifested to the governor of the province of Baranquilla, the military commander Señor Nicolas Jimeno Collantes and Señor Joaquin Vengoechea, when they came to my house at midnight on the 17th of November and made me get up a few hours before the departure of the steamer Antioquia with the pretension of impeding the embarkation of Señor Capella Toledo and Señor Pumarejo.

I told them that I could not take upon myself the responsibility of hindering their embarkation; that the governor, if he thought himself authorized, could do what he thought proper.

From my house they went to that of Captain Maal, and the governor gave him a verbal order not to receive on board those individuals.

The captain asked for a guard to impede their embarkation, which was refused.

At the hour of the departure of the vessel, and when the two individuals made their appearance, they were notified of the prohibition of the governor.

Two employés of the government, Señor Angel Benavidez and David Pereira, then presented themselves, and asked the captain if he had a written order from the governor: he answered he had not; they then said that he (the captain) could not refuse to admit them on board.

I suppose the captain was foolish enough to admit them on board under assumed names, so as to conciliate all parties.

I qualify as foolish the act of the captain in having admitted on board the two individuals in question under assumed names, if it really happened, because as he had a perfect right to admit them on board under their own names, the variation of them did not occasion any fault, nor could it saddle him with any responsibility.

If the authorities of the State of Bolivar wished, and had a right to prevent the embarkation of the parties in question, they ought to have arrested them, seeing that they walked about publicly, or placed a guard to hinder their access to the steamer; but not exact of the employés of the company and the steamers that we should commit acts contrary to the navigation laws.

Let us suppose that the captain had committed a breach of neutrality; this would not have given a right to the State of Magdalena to capture a vessel in the service of the national government and attack the interests of other States. The most it could have done would have been to appeal to the national government and to the Compania Unida. This gave proof in the last general revolution that in case of culpability the parties were punished. The charge of having embarked the Messrs. Herrera, when they went down from the capital, is even more ridiculous, not only for what is said above, but also how should the employés of the vessel know the intention of said gentlemen to be hostile to the State?

As to the point called Gloria, in which they disembarked, it is not a fact that it is a point never frequented, for it is one of the wood stations for a vessels of the company, and has been so for many years; also from there are embarked parts of the cargoes which are brought from Ocana.

I remain, sir, &c.,

ROBERT A. JOY.

MR. MANUEL A. VENGOECHEA,
Delegate of the President of the Sovereign State of Panama.

Mr. Joy to Mr. Burton.

BOGOTA, January 19, 1866.

SIR: I beg to call your attention to a most flagrant outrage which has been committed by armed men in the river Magdalena against the property and industry of the *Compania Unida*, nearly half of the capital of which is owned by citizens of the United States of America.

The case is as follows:

On the 11th of December last the steamer *Antioquia* on her downward voyage to *Baranquilla*, with the national mails, passengers, and a cargo of merchandise on board, was captured by forces of the State of Magdalena, under the orders of Mr. Manuel Vengoechea, as proved by the accompanying documents.

No. 1, protest of the captain; No. 3, depositions of the passengers; No. 4, deposition of captain, purser, and engineers; No. 2, protest of the agent of the company; No. 5, protest of owners of cargo; No. 6, is my memorial to the national government, seeking redress and guarantees for the property of the company, and protection under which to carry on our legitimate business; No. 7 is the answer of the government, which looks upon the whole affair as most trivial, and which ought to have been settled by the company without the necessity of reclamation, complaint, or judgment, and that the company is to be responsible for all losses, excepting for the occupation of the vessel for a few days; No. 8 is a second memorial to the government, in which I endeavor to point out all the laws that have been violated, the enormity of the offence committed, the fatal consequences to future navigation, and the necessity of strong measures being adopted to secure us in the business in which we are embarked; Nos. 9 and 10 are copies of official documents received from the State of Magdalena, alluded to in my second memorial; No. 11 is the answer of that government to the second memorial.

By the foregoing you will perceive that the property of the company is entirely at the mercy of any one who may choose to detain, seize, capture, or molest in any way, for political or other reasons, public or private; that all to be done by the aggressor is, after the injury has been effected, to regret what has been done, and to make offers of reparation, which the injured party would have no means of enforcing.

The injury to the business of the company has been most serious, as I shall take the earliest opportunity of establishing; meanwhile I beg to appeal to you to protect the interests of United States citizens, who have risked large sums in endeavoring to perfect the navigation of the river Magdalena, notwithstanding the rivalry of others who have followed in the footsteps of the *Compania Unida*.

I have the honor to be your obedient servant,

R. A. JOY,

Financial Agent of the Compania Unida.

Hon. ALLAN A. BURTON,
United States Minister.

List of shareholders in La Compania Unida.

COMPANIA UNIDA DE NAVIGACION POR VAPOR EN EL RIO MAGDALENA,
Baranquilla, December 16, 1865.

UNITED STATES OF AMERICA.		
McLean and Lutz	\$63,500	
J. Reed, jr.	29,000	
P. F. W. Peck	15,000	
Allen Hay	6,000	
Jewell Harrison & Co.	3,200	
Cary, Howard & Co.	5,500	
T. Clark	500	
W. S. Bancroft	2,500	
Juan Cade Mier	37,300	
		\$162,500
BRITISH.		
R. N. Jay	84,700	
A. & S. Harvy & Co	39,000	
P. O. Robertson	1,200	
A. Gregory	2,000	
S. J. Gower	1,100	
		128,000
HAMBURG.		
C. W. Suminoced	17,500	
Senior Harver	5,000	
		22,500

COLOMBIA.

Alryan	\$1, 000	
Nicolas Junius Collarte	4, 000	
		\$5, 000
Eranados Garcia	40, 700	
Tr. P. A. Catano, Colombia	1, 300	
		42, 000
		360, 000

R. A. JOY,
Financial Agent.

I solemnly swear that the statements of these papers are true.

R. A. JOY.

[Translation.]

In the city of Baranquilla, at 2 o'clock in the afternoon of the 13th of December, 1865, appeared before me and the after mentioned witness Christian A. Maal, of this place, of age, and captain of the steamer Antioquia, belonging to La Compania Unida de Navigacion por Vapor en el Rio Magdalena, and said: That, in consequence of having been detained in a downward trip of his vessel by the authorities of the State of Magdalena on the 10th instant, duly to record the occurrences, he made on board the following protests, in the order in which the events took place, as follows:

The 10th day of December, 1865, I, Christian A. Maal, captain of the North American steamer called Antioquia, declare that having left Nare the 7th instant, with the national mail, cargo, and passengers, bound to Baranquilla and intermediate places. I have navigated with complete success, delivering the mail, cargo, and passengers at their proper destinations, up to this date, when, at 3.35 p. m., in a place called Cotore I met a bongo of war, which fired a gun obliging me to arrest the progress of the vessel; that I had scarcely stopped the engines when said vessel came alongside, and the commander told me that, by order of the delegate of the executive power of the State of Magdalena, he had to keep guard over the steamer until he met the said delegate, who was coming with the remainder of the flotilla, and that in case of refusing to obey this order, he would make use of the force at his command, the gunner being in position with lighted match at the foot of the gun in the bow of the vessel, pointed at the steamer; that a few moments later another armed vessel arrived, presented itself, and also came alongside of the steamer; and that a citizen with the title of commander, who said his name was Ramon Valencia, made me the same intimation as the first vessel; I resolved to let the steamer drift down the river, without using the engines, so as to satisfy the arbitrary orders of these two chiefs. That continuing in this way until 4.50 p. m., I met five more armed vessels, aboard of one of which came General Manuel Campo Rodriguez, who ordered me immediately to make for the bank and to fasten the steamer: at this arbitrary order I demanded of General Campo in what character he made the exaction; the only answer he gave me was, that he was the representative of the delegate of the executive power of Magdalena. To this answer I told General Campo that by his proceedings he violated, in the first place, the law passed by the Congress of the United States of Colombia on the 19th of May, 1864; second, that he violated a foreign property by detaining it in its progress and making it come to at a part of the river where the vessel, as well as the cargo, was exposed to great danger; and lastly, that steamer is in the service of the national government, the mail being on board; and that for these motives General Campo has no legal right to detain the vessel without exposing himself to the responsibilities which may supervene. I also observed that if I continued my voyage what would be the result. He answered that he would use the forces, consisting of the seven vessels before mentioned, and that the steamer must remain until the arrival of the delegate of the executive power, who was distant about three leagues. I protest, therefore, once, twice, thrice, or as many more times as may be necessary, against said forced detention, for the delay of the national mail, the damages and losses that may happen to the vessel and cargo, making responsible General Campo and whoever orders him, freeing myself from responsibility; also the agents and owners of the steamer. In proof of the truth of what I state, the following officers and passengers sign with me: C. A. Maal, captain; J. Jimeno, purser; James McKeon, engineer; Lorenzo T. Matos, pasajero; Justiniano Lemus; Crespulo A. Caballero; Edo. Soto; Manuel Lascano.

Day the eleventh, at half past one, Mr. Manuel Vengoechea presented himself on board and informed me that he was the delegate of the executive power of Magdalena, and that the orders executed by General Campo Rodriguez on board the steamer came from him; he ordered me to give a declaration, which accompanies this; the same happened with the purser, whose declaration is also attached. After this, Mr. Vengoechea notified me that I must take the steamer up the river to carry his troops, which I excused myself from doing, manifesting that the instructions of the Compania Unida, my being a foreigner and command-

ing this steamer, foreign property, prohibited me from transporting troops or towing vessels of war, and absolutely to mix myself up with the political affairs of the country; moreover, that the steamer could not retrograde, as she was in the service of the nation. To these manifestations Mr. Vengoechea answered that he should appropriate the vessel, and immediately ordered troops on board to take possession of the vessel. He then sent for the engineer, and had a conference with him: after which the engineer came to me and told me that Mr. Vengoechea told him he had appropriated the vessel, and proposed for him to take charge of the engines in his capacity of engineer, which he flatly refused, he being a foreigner, and unable to take part in the political questions of the country; the same resulted with all the rest of the crew, they not wishing to take part in the questions of any State but their own. At three o'clock in the morning the mate informed me that the vessel was making a good deal of water, so much that the pumps could not be left for a single moment. My opinion about this is, that the vessel suffered on being brought to at this place.

At four o'clock in the morning Mr. Vengoechea notified me that I was deprived of my functions, and that I ought to make a complete abandonment of the vessel, cargo, &c., which I did. In the act, therefore, I protest once, twice, and thrice, and as many more times as necessary by law, of this act of violence against the delegate of the executive power of the State of Magdalena, and against whoever it may be necessary, for the damages, losses, excesses, and deterioration that may happen to this vessel, covering my responsibility and that of the agents and owners of the vessel; and in proof of the truth of this statement the following officers and passengers sign with me: C. A. Maal, J. Jimeno, purser; James McKeon, engineer; Justiniano Lemus, Crespulo A. Caballero, Lorenzo T. Matos.

Edo. Soto, Manuel Lascano, and Mr. Maal declared that after the before-mentioned proceedings, Mr. Vengoechea dictated a decree, of which he gave him a copy, and which says thus:

Decree of the 11th of December, 1865, appropriating the use of the steamer Antioquia.

The special delegate of the president of the sovereign State of Magdalena, exercising his powers and considering, first, that the steamer Antioquia has carried to the Banco, a place occupied by rebels against the State, sundry rebels, such as José María, Manuel Luis Herrera, Luis C. Toledo, Francisco Meza, Sinforoso Pumajero, and others. Second, that the legitimate government of the sovereign State of Magdalena is aware that the governor of the province of Baranquilla, in the sovereign State of Bolívar, ordered the captain of the vessel called Antioquia, Mr. C. A. Maal, not to receive on board of his vessel Luis C. Toledo and Sinforoso Pumajero, and that, notwithstanding, said individuals were carried to the Banco on board said vessel. Third, that the before-mentioned acts in the preceding consideration constitute a breach of the neutrality which ought to have been observed by the captain of the steamer Antioquia with the legitimate government of the sovereign State of Magdalena, which makes him responsible to the law. Fourth, that the said government requires the services of a steamer in Magdalena.

DECREE.

ARTICLE 1. Appropriate the services of the steamer Antioquia, for account of the sovereign State of Magdalena, for all the time that she may be required.

ARTICLE 2. Receive the said vessel by rigorous inventory, have examined the state in which she is, and let the appraisers, who will be named, value her. The same appraisers will also value the provisions and other things belonging to the vessel.

ARTICLE 3. In due time, the value of the service to be rendered, or which has been rendered, shall be agreed upon, and, in case of disagreement between the contracting parties, a valuing appraiser shall be appointed.

ARTICLE 4. Communicate the present decree to the citizen president of the sovereign State of Magdalena, as likewise to the captain of the vessel appropriated.

Given in Guagueri, a place belonging to the sovereign State of Magdalena, on the 11th of December, 1865.

MANUEL VENGOECHEA.

NICHOLAS MENDOZA, *Secretary.*

This is a copy granted to Captain C. A. Maal.

NICHOLAS MENDOZA, *Secretary.*

And Mr. Maal, in continuation, declares that after the occurrences related, and the vessel taken possession of by force, without the intervention of the employés of the vessel, she was taken to Calamar, a district corresponding to the State of Bolívar, in which port the exponent made the following protest:

In the district of Calamar, on the 11th of December, 1865, before me, secretary of the municipal council, charged with the functions of notary public, Christian A. Maal, captain of the North American steamer called the Antioquia, said that having left Nare the 7th instant with the national mail, cargo and passengers, bound to Baranquilla, and intermediate places,

I have navigated with complete success, delivering the mail, cargo, and passengers at their proper destinations, up to this day, when, at 3.35 p. m., in a place called Cotore, I met a lundo of war, which fired a gun, obliging me to arrest the progress of the vessel; that I had scarcely stopped the engines when said vessel came alongside, and the commander told me that, by order of the delegate of the executive power of the State of Magdalena, he had to keep guard over the steamer until he met the said delegate, who was coming with the remainder of the flotilla, and that in case of refusing to obey this order he would make use of the force at his command, the gunner being in position with lighted match at the foot of the gun, in the bow of the vessel, pointed at the steamer; that a few minutes later another armed vessel presented itself and came alongside of the steamer, and that a citizen with the title of commander, who said his name was Ramon Valencia, made me the same intimation as the first vessel.

I resolved to let the steamer drift down the river without using the engines, so as to satisfy the arbitrary orders of those two chiefs. That continuing in this way until 4.50 p. m. I met five more armed vessels, aboard of one of which came General Manuel Campo Rodriguez, who ordered me immediately to make for the bank, and to fasten the steamer. At this arbitrary order I demanded of General Campo in what character he made the exaction. The only answer he gave me was that he was the representative of the delegate of the executive power of Magdalena. To this answer I told General Campo that by his proceedings he violated in the first place, the law passed by the congress of the United States of Colombia on the 19th of May, 1864; second, that he violated a foreign property, detaining in its progress and making it come to at a part of the river where the vessel as well as the cargo was exposed to great danger; and lastly, that the steamer is in the service of the national government, the mail being on board, and that for these motives General Campo has no legal right to detain the vessel without exposing himself to the responsibilities which may supervene. I also observed that, if I continued my voyage, what would be the result? He answered that he would use the force, consisting of the seven vessels before mentioned, and that the steamer must remain until the arrival of the delegate of the executive power, who was distant about three leagues. I protest, therefore, once, twice, and thrice, or as many more as may be necessary against said forced detention, for the delay of the national mails, the damages and losses that may happen to the vessel and cargo, making responsible General Campo and whoever orders him, freeing myself from responsibility, also the agents and owners of the steamer. In proof of the truth of what I state, the following officers and passengers sign with me: C. A. Maal, captain; J. Jimeno, purser; James McKeon, engineer; Lorenzo T. Matos, pasajer; Justiniano Lemus, Crespuslo A. Caballero, Edo. Soto, Manuel Lascano.

Day the eleventh, at half past one, Mr. Manuel Vengoechea presented himself on board and informed me that he was the delegate of the executive power of Magdalena, and that the orders executed by General Campo Rodriguez on board this steamer came from him. He ordered me to give a declaration, which accompanies this. The same happened with the purser, whose declaration is also attached. After this, Mr. Vengoechea notified me that I must take the steamer up the river to carry his troops, which I excused myself from doing, manifesting that the instructions of the Compania Unida, my being a foreigner, commanding this steamer, foreign property, prohibited me from transporting troops, or towing vessels of war, and absolutely to mix myself up with the political affairs of the country; moreover, that the steamer could not retrograde, as she was in the service of the nation. To these manifestations Mr. Vengoechea answered that he should appropriate the vessel, and immediately ordered troops on board to take possession of the vessel. He then sent for the engineer, and had a conference with him; after which the engineer came to me and told me that Mr. Vengoechea told him he had appropriated the vessel, and proposed for him to take charge of the engines in his capacity of engineer, which he flatly refused, being a foreigner, and not able to take part in the political questions of the country. The same resulted with all the rest of the crew, they not wishing to take part in the questions of any state but their own. At 3 o'clock in the morning the mate informed me that the vessel was making a good deal of water, so much that the pumps could not be left for a single moment. I immediately went to examine the holds, but it was impossible to discover the damage, on account of the hold being completely full of cargo; and my opinion about this is that the vessel suffered in being brought to in this bad bank of the river. At 4 o'clock in the morning Mr. Vengoechea notified me that I was deprived of my functions, and that I ought to make a complete abandonment of the vessel, and remain on board under arrest. The cargo, which against my will I was obliged to abandon, consisted of one thousand seven hundred and forty-nine packages of produce of the country, four packages containing six thousand four hundred hard dollars, one package with two thousand two hundred dollars of eighty cents: one package with four hundred dollars in gold and silver, a horse, and the national mail, consisting of eight packages for Calmar, seven for Baranquilla; one more box of specie weighing fifty-nine kilogrammes, five hundred grammes, one box weighing four and a half ounces, and nine packages for Santa Martha, as proved by the bills of lading and mail bills in his possession, and which will be presented when necessary; and to avoid the vexations and heavy prejudices unknown to such base persons, who only act as pirates, protest once, twice, thrice, and as many more times as the law requires, against Mr. Manuel Vengoechea, delegate of the executive power of the State of Magdalena, and against whoever besides necessary, for the damages, prejudices, delays,

and deteriorations that may happen to the vessel, and by the same keeping open, harmless, and in force and vigor, all actions pertaining to the same, to use them before whom, when and where it may be convenient in testimony of which, and having paid the register duty, as proved by the receipt, which literally is as follows:

District Collector of Taxes.—Mr. Christian A. Maal, captain of the North American steamer, named Antioquia, has paid to this office two lawful dollars for the register duty of a protest which he is going to make against Mr. Manuel Vengoechea, delegate of the executive power of the State of Magdalena, and whoever else it may be convenient for the damages, prejudices, delays, and deterioration which may be suffered by the above-mentioned steamer on account of its violent dispossession. Calamar, eleventh of December, 1865.

And the grantor, who, I, the undersigned, secretary of the municipal council, exercising the functions of notary public, declare that I know, and thus it is executed in this district in proof of which the witnesses, Rafael Ballestas and José Ramon de Zuñiga, in presence of James McKeon, engineer, and purser Joseph Collante, before me, who certifies: The captain of the steamer Antioquia, C. A. Maal, the engineer, James McKeon, Joseph Jimeno, purser, witnesses, José Ramon de Zuñiga and Rafael Ballestas, Domingo L. Alvarez and to furnish the party interested with a copy, I issue the present in five written pages, the margins of which are rubricated, and this I sign in Calamar the eleventh day of December, 1865, the original remaining in the archives under my charge.

D. L. ALVAREZ.

Mr. Maal further said that in amplification of the inserted protests, and to duly place on record, he must state that the cargo on board the vessel, and which he has spoken of before, belonged to the persons which he is going to mention.

J. C. R. B., two packages, embarked in Naré by Alejandro Duque to deliver in Baranquilla to Pedro Furgussou.

[E. B. C.] 136 packages shipped in Naré by Salazar and Alviar, and consigned to J. A. Mier, Baranquilla.

[U. H.] 212 Honda, J. H. Jenney to J. A. Mier, Baranquilla.

[M. H.] 12 Honda, C. H. Jenney to P. Furgussou, Baranquilla.

[T. H.] 73 Honda, Miguel Pex to Julian Ponce, Baranquilla.

N. T. 2 Caracoli, Nicolas Tok to N. Tok, Baranquilla.

A. R. 6 Caracoli, J. J. Saitan to Anto de la Rosa, Baranquilla.

C. 4 Caracoli, C. Maal to Peoro Ossio, Baranquilla.

Ribon & Munez, 1, \$4,000 Caracoli, J. H. Jenney, P. W. Peterson, Baranquilla.

A. M. 2 Caracoli, Pedro Pena to Anselmo Miranda, Baranquilla.

M. D & C. J. Caracoli, M. Dietelzway, & Co., J. A. Dietelzway, Baranquilla.

(No mark.) 2, \$1,990 Caracoli, Vengoechea, Hs. Vengoechea, Sopria, & Co., Baranquilla.

M. D & C. 1, \$2,200 Caracoli, M. Dietelzway & Co. to H. H. Simmonds, Baranquilla.

1 [8 D] 55 Caracoli, B. Martinez, J. M. G. Ribon, Mompos.

2 T. 32 Caracoli, B. Martinez, Ribon & Jimenez, Mompos.

S. 12 Caracoli, B. Martinez, J. J. Seloa, Mompos.

J. M. P. 4 Caracoli, J. H. Jenney, J. McPerra, Mompos.

[M. T.] B. 79 Caracoli Rodriguez, Uguile & Co., A. Malo, Mompos.

S. R. Benedict 1 Caracoli, Samper & Co., J. Arazola Mealo, Mompos.

J. F. P. V. 5 Caracoli, Savalle Hs., J. Arazola Mealo, Calamar.

M. 10 Pueti Nacional, M. Sarcano N. Salzedo, Calamar.

L. M. C. 7 Pueti Nacional, M. Sarcano, M. Sascaro, Calamar.

M. H. 25 Pueti Nacional, V. & L. Matos, V. & L. Matos, Calamar.

M. M. T. 136 Pueti Nacional, Julian Antiana, J. Helier & Co., Calamar.

Q. C. 4 Pueti Nacional, T. T. Exharez, J. A. delr. Resa, Calamar.

F [C] [C] [C.] Pueti Nacional, T. H. Hoyer, Chapman & Martinez, Calamar.

A. A. La. 4 Pueti Nacional, A. Aruninta, Suiz Aruninta, Baranquilla.

[V.] 2 Pueti Nacional B. R. Surds, M. M. Yucto, Baranquilla.

M. 2A. 68 Pueti Nacional. B. R. Surds, J. A. Mier, Baranquilla.

J. Q. 44 Pueti Nacional, B. R. Surds, J. A. Mier Baranquilla.

D. L. 18 Pueti Nacional, B. R. Surds, Isabel Nichols de R., Mompos.

J. C. P. 143 Pueti Nacional, Julian Augusta, J. M. G. Ribon, Mompos.

F. Stacy. 1, \$1,000 Mipos, De la Torre Hijo, F. Stacy, Baranquilla.

P. A. Mier. 1 \$3,500, Mipos, Salome Lopez, J. A. Mier, Baranquilla.

Anto Paz, 1, \$1,000 Mipos, De la Torre Hijos, Anto Paz, Baranquilla.

T. 132 Zambrano, Anto Paz, A. P. Simmonds, Baranquilla.

H. H. H. 3 Zambrano, R. Mendazo, C. H. Simmonds, Baranquilla.

(III J) [o] 1c. 36 Pablo, Roncalto Andres, E. Mantilla, Baranquilla.

i i i. 52 Pablo — Julio Hoenningsberg.

[J. C.] (J. C.) 18 Pablo, C. Isaac & Co.

O. O. 1c & 110 Pablo, Sundheim & Co.

[S] 1c. 40 Pablo, A. J. Senior.

C. H. H. 144 Pablo, C. H. Simmonds.

D & J. 48 Pablo, Dumonille & Wessels.

[H. H.] &c. c. 45 Pablo, Estevan Marquez.

1 horse. Pablo, Nichols Mejo.

S. S. [H. H.] 134 Pablo, Acpli, Grasmeyer & Co.

[B] J. &c. Pablo, Roncalto. C. H. Simmonds.

[A. G & C.] &c. 104 Pablo, Acpli, Grasmeyer & Co.

Mr. Maal further said that, at the time of quoting the law protecting the navigation, he committed an error in giving the date of the 19th of May, instead of that of its sanction, which was the 25th of May, 1864. He now mentions it to rectify the error, that although in his protest, made on board the 11th of December, he said that he presented the declarations that were given by him and the purser of the vessel, he could not obtain them, as when he asked for them, they were not granted, and, reiterating his protest against the functionaries and public employes of the sovereign State of Magdalena against the government of the United States of Colombia, to which the State is dependent, and against whoever else it may suit, that the damages and delays suffered, and that may occur, shall not be charged to him, but to the aforesaid as the only parties responsible for the acts, so he declared. The register duty was paid, as stated by the account here copied, as follows:

Done before me, registered in the book of public documents in my charge, under the No. 294, to which I refer; and to give the party interested a copy, I have issued the present in 13 pages of paper, the margins rubricated; and here I sign, in Baranquilla, the 14th day of December, 1865.

JOSÉ MARIE LASCANO,

Notary Public.

PROVINCIAL OFFICE OF REGISTRY AND ANNOTATION OF MORTGAGES.

Registered at folio thirty-one, (31,) in the book of registers for this year, under the number two hundred and ten. Baranquilla, December 15, 1865.

FULJENCIO GAMLEIN.

ADMINISTRATION OF FINANCE.

Mr. Christian A. Maal has paid two dollars for register duty of a protest which he is going to amplify as captain of the steamer Antioquia. (\$2.)

BARANQUILLA, December 13, 1865.

Tiberio C. Arango and the grantor, who I, notary public, certify is known to me, thus protested and reclaimed, and calling upon me to bear witness that he so made and affirmed, before me with the witnesses Atitano Concha and Juan B. Munez, neighbors present.

C. A. MAAL.

ATITANO CONCHA.

JUAN B. MUNEZ.

JOSÉ MARIE LASCANO,

Notary Public.

GOVERNMENT OF THE PROVINCE,

Baranquilla, December, 15, 1865.

I certify that the signatures of J. M. Lascano, notary public, and Fulyencio Gamlein, registrar, are by them and the same as they always use in their official acts.

JUAN DE LA C. RUIZ.

GREGORIO T. ARAGAN, *Secretary.*

[Translation.]

Protest of R. A. Joy, agent of La Compania Unida, on the appropriation of the steamer Antioquia.

In the city of Baranquilla, at 4 o'clock in the afternoon of this day, the 12th of December, 1865, appeared before me and the after-mentioned witnesses, Robert A. Joy, of this neighborhood, over age, agent of La Compania Unida de Navigacion por Vapor en el Rio Magdalena, and said: that according to advice given him from Calamar, by Christian A. Maal, captain of the steamer Antioquia, belonging to the company, on the downward trip of said vessel having on board the national mail and cargo of produce of the country, at half past one in the afternoon of the 10th instant his vessel was detained by a general of the State of Magdalena, Manuel Campo Rodriguez, with five bungos of war, who obliged him to tie up his vessel at the side of the river until the arrival of Manuel Vengoechea, delegate of the executive power of said State of Magdalena, which order he was obliged to comply with by the force made use of, notwithstanding the manifestations made by him, that he had the national mails on board, and that the navigation is protected by the constitution and laws; that at half past one in the morning of the 11th, Manuel Vengoechea arrived, and told Captain Maal that the

orders given by General Campo emanated from him, and after having adopted other measure he proposed to the captain that he should go up the river with the vessel to San Tenon, which he refused to do; the engineer also refused because the service was distinct from that of the company, of which he depended; that then Mr. Vengoechea appropriated the Antioquia, deprived the captain and engineer of the vessel of their functions, and obliged the pilot by force to take the vessel to Calamar, starting on the trip at six o'clock yesterday morning, the engines being under the direction of an individual called Manuel Berrios; that at half past eight in the morning of the same day they arrived at Calamar, and that the captain, after having made a protest on board, which was signed by the passengers who were there, he and the engineer landed, making an abandonment of the vessel, cargo, and mail, because as the vessel was invaded by armed force and the captain deprived of his functions by a force that he could not obey, he could not answer for the property that he was not allowed to guard; the cargo and treasure were landed at Calamar by the delegate of the executive power of Magdalena, Manuel Vengoechea, without the intervention of the captain or other employés of the vessel whose duty it was to exercise such function; that the outrage committed by the high functionaries of the State of Magdalena constitutes an express violation of the national constitution and the law of the 25th of May, 1864, which guaranteed the navigation of the rivers, prohibiting the functionaries or employés of the State from transgressing said dispositions, and under which guarantee the steamer Antioquia navigated, in which also was the national mail; that from the above stated great prejudices have arisen and may arise, and to cover the Compania Unida, of which he is agent, and without prejudice to the captain of the vessel, Christian A. Maal, with a better knowledge of the facts, amplifying the protests that he may have made, and making those that he may have occasioned in his character of agent of La Compania Unida de Navegacion por Vapor en el rio Magdalena, and as such contractor for the carriage of the national mails, protests once, twice, thrice, and as many more as the law permits, against the functionaries and public employés of the sovereign State of Magdalena, who, infringing the dispositions before cited, and knowing that the vessel is the property of North Americans, that the cargo is the property of foreigners and citizens of other States, and that besides the national mail was on board, appropriated said vessel, discharged the cargo that was on board, and put the management of its engines into the hands of individuals not experts in the matter, against the government of the United States of Colombia, to which is dependent the sovereign State of Magdalena, and against whoever else it may suit; that the damages, losses, prejudices and deteriorations suffered already, and which may originate, may not be at the charge of the Compania Unida, but against whoever it may concern, and that with this understanding the executor of this and all others prejudiced may exercise the rights and actions belonging to them where, how, when, and before whom 'it suits them, and in right can and ought, with this intent and end the before mentioned makes this present.

He paid the register duty, as appears by the account, which copied says thus:

ADMINISTRATION OF FINANCE.

Robert A. Joy has paid two dollars for register duty of a protest that he is going to make. (§2.)

BARANQUILLA, December 12, 1865.

Tiberio C. Aranjó and the protester, who I, the public notary, certify that I know, did thus protest and reclaim, and called upon me to bear testimony to notify the national postmaster of this protest. Thus he did and signed before me and the witnesses Atitano Concha and Juan B. Munez, neighbors present.

R. A. JOY.
ATITANO CONCHA.
JUAN B. MUNEZ.

JOSE MA. LASCANO,
Notary Public.

Done before me; this and the original is in the book of public instruments in my charge, to which I refer under the number 245 and to deliver to the concerned. I give the present in three folios of corresponding paper, the margin of the first rubricated; and here I sign in Baranquilla the same day, month, and year of the execution.

JOSÉ MARIA LASCANO,
Notary Public.

Registered at folio 31 of the book of registers of this year, under number 207.

FULJENCIO GAMLEIN.

BARANQUILLA, December 13, 1865.

[Translation.]

SWORN DEPOSITIONS OF THE PASSENGERS WHO WERE ON BOARD THE STEAMER ANTIOQUIA AT THE TIME OF HER APPROPRIATION.

To the Judge of the Province :

R. A. Joy, of this neighborhood, before you in legal form states : That you will be pleased to summon Messrs. Lorenzo J. Matos, Edward Soto, Crespulo A. Caballero, Manuel Lascano, and Justiniano Lemus, passengers on board the steamer Antioquia, en route for this place, that they may, under oath and its penalties, declare to the following :

First. If they know me personally ; their ages, and other qualities of law.

Second. Let them all declare all they know, and are aware of, about the appropriation of the undermentioned steamer Antioquia ; in what manner it took place ; if it was or not by means of force ; what expressions did Mr. Vengoechea make use of at the time of consummating the act, and everything else relating to that event. When done, I hope you will deliver me the depositions in original, to make the use of them that may suit me.

BARANQUILLA, December 13, 1865.

R. A. JOY.

Presented the same date and place for despatch.

LASCANO.

TRIBUNAL OF THE PROVINCE,
Baranquilla, December 13, 1865.

Asked, and in consequence summons the witnesses named for to-morrow's session.
Notify—Luna.

LASCANO.

The same day I notified R. A. Joy in his house, who signs Joy.

LASCANO.

The same day I issued the summons for the witnesses.

LASCANO.

The 14th day of the same month appeared Lorenzo J. Matos and the judge before me received the oath, which was given in legal form, under which, after having read the articles of the penal law, he offered to say the truth in what he knew, and what might be asked of him, and being according to the proceedings interrogated :

To the first question he answered, that he knew Robert A. Joy, over age, and was not comprised in the generalities of the law.

To the second he answered, that being a passenger on board the steamer Antioquia from the Puerto Nacional, on the passage of the steamer by a bank of the river, which he heard called Cotore, a war bongo, which came out from near these banks, advanced on the steamer, and fired a gun. The captain immediately ordered the engines to be stopped ; that after a minute the bongo came alongside, and the commander communicated with the captain. He indicated that he should detain the steamer, and continue slowly until he should meet General Campo Rodriguez, who was coming in another war bongo ; that effectively the vessel went slowly until she arrived at a part called Guaquiri : that at that point the vessel was detained and made fast by Manuel Campo Rodriguez, who arrived with an armed force, and, if I do not mistake, with four or five war bangos ; that after the vessel was made fast, the captain thought he would continue his voyage, arguing that he carried the national mail ; but Campo stopped him, saying, that if he moved the steamer he would make use of his force ; that he must await the arrival of the delegate of the executive power of the State of Magdalena, Manuel Vengoechea ; that they were in that place until three o'clock in the morning, when Vengoechea arrived, and after having taken a declaration, both from the captain and purser, and having exacted from the captain the presentation of the list of passengers that were on board, and the correspondence extra postal, he told the captain that he would have to go with him to Plato to carry his forces to that point ; that the captain resisted ; that after much persuasion on the part of Vengoechea, seeing that the captain would not accede, he said in a grave tone that he was going to dictate a decree appropriating the vessel ; that the captain told him to do as he pleased, making use of force ; that Vengoechea urged the captain and purser to remain in the vessel ; that both of them resisted ; that the same proposition he made to the engineer and pilot, and that they also resisted ; that this happened about half-past four in the morning ; that Vengoechea said he would wait for daylight to proceed to Calamar, and there deposit the cargo which was on board the steamer Antioquia ; that in fact such was the case ; then at six o'clock the steamer left that place ; that after a few hours of navigation down stream, they arrived at Calamar, where the passengers were disembarked ; that afterwards he heard say that the cargo would be deposited in several houses of that place ; that, actually,

when the deponent left in a canoe, which he had to do to reach this city, they had already deposited a good deal of the cargo in the house of José Arazola Malo; that this is all that he remembers about the occurrence, which he affirms and ratifies, after having read it. He declared his name to be as stated, and signed after the judge, before me, the secretary.

EULALIO LUNA.

LORENZO J. MATOS.

MANUEL MARÍE LASCANO,

Secretary.

Then, following, appeared Crispulo A. Caballero, the judge, before me; administered the oath according to law, &c., &c.

To the first question he answered, that he did not know Robert A. Joy, twenty-six years of age.

To the second he answered, that coming passenger in the steamer Antioquia, he witnessed the appropriation made of that vessel by Manuel Vengoechea, which happened as follows: That in the part of the river called Cotore, first, a bongo of war presented itself, intimating to the captain that he was not to pass without stopping where General Campo was situated, he being at a short distance; in effect, so he had to do by intimation of this second force; that when the vessel had approached the side of the river, he ordered her to be made fast and detained, by order of the delegate of the executive power, who arrived afterwards, and told the captain to be so kind as to lend him the vessel to go higher up; that the captain refused, giving his reasons, and that then he proceeded to appropriate the vessel; that they took the vessel to Calamar; and that then deponent witnessed the commencement of the discharge of the same; and that while occupied in the unloading, he came away in a canoe to this port.

That this is the truth, which he affirms and ratifies after having read it; declared his name to be as written, and signs after the judge, in my presence.

EULALIO LUNA.

CRISPULO A. CABALLERO.

MANUEL MARIA LASCANO,

Secretary.

Then followed Dr. Edward Soto. The judge received his oath in due form, &c., &c.

To the first question he answered that he did not know Robert A. Joy, over age.

To the second he answered, that being a passenger on board the steamer Antioquia; that about three o'clock in the afternoon of the 10th of December, in a place which is said to be called Cotore, the deponent heard the report of a gun, which called his attention; that shortly afterwards a war bongo presented itself, with several soldiers and a colonel, who intimated to the captain to continue with the steamer until he met Mr. Vengoechea, delegate of the executive power of the State of Magdalena; that about five o'clock, at a place called Guaquiri, they met other war bongos, with a chief said to be called Campo Rodriguez; that this person made the vessel approach, and detained her till the arrival of the delegate, who appeared about twelve o'clock at night; that the delegate and others had a conference with the captain; said conference resulted in the appropriation of the vessel; that from that hour Campo Rodriguez remained in command of the vessel, he telling the deponent that he understood seamanship; that in the morning of the following day he left there for Calamar; that a few hours afterwards they arrived; that in the act the deponent took a canoe and came into this port.

That this statement is true, which he affirms and ratifies, declares his name to be as stated, resident of Caracas, passing by this city, and signs after the judge in my presence.

EULALIO LUNA.

EDWARD SOTO.

MANUEL MARÍE LASCANO,

Secretary.

On the 15th of the same appeared Manuel Lascano. The judge received his oath in due form, &c., &c.

To the first question he answered that he knew Robert A. Joy; he was over age, and not comprised in the generalities of law. To the second he answered that coming passenger from the Puerto Nacional, on board of the steamer Antioquia, passing by a place called Cotore, from there a bongo of war came out and advanced on the steamer and discharged a gun; that the captain, C. A. Maal, immediately had the engines stopped; the bongo having advanced and placed itself within speaking distance, the commander of the bongo told Captain Maal to detain the vessel or to take him in tow until he met General Manuel Campo Rodriguez; the captain answered he would not respond if the war bongo was swamped; that then the commander of the bongo warned him to go slowly until he met said General; that the vessel continued slowly until it arrived at a place called Guaquiri; that at that place it was detained and made fast by General Campo Rodriguez, who arrived with a party of soldiers and bongos; that notwithstanding the manifestations of the captain that the vessel was very much loaded and might run into danger, coming to in that unknown part, he was ordered

to do so, and had to come to; that, after the vessel was made fast, the captain thought of continuing his voyage, arguing that the vessel belonged to an American company, that the national mail was on board, and that actually she was in a national highway; but his departure was impeded, telling him that he must await the arrival of the delegate of the executive power of the State of Magdalena, Mr. Manuel Vengoechea, and that he, as chief of the force, was going to comply with a superior order by detaining the vessel; that in that place they were detained until about three o'clock in the morning of the 11th instant, when Vengoechea arrived, and after having taken declarations from the captain and purser, and having exacted from the captain the presentation of the list of passengers and the correspondence he had extra-postal, that then he told the captain he would have to go with him to Plato to carry his forces to that point; that the captain resisted; that after many offers and importunities, seeing that Captain Maal would not accede to anything, the delegate said in a grave tone that he was going to dictate a decree appropriating the vessel; that the captain told him he could do as he pleased by using force; that Vengoechea urged the captain to remain in the vessel, as likewise the other officers and pilots of the vessel, and all of them resisted; this happened about half past four in the morning; that Vengoechea said he waited for the morning to proceed to Calamar and deposit the cargo that the Antioquia had on board; that so it happened, that at six o'clock she left, and in a few hours' navigation she arrived at Calamar, where they landed the passengers, captain, purser, and engineers; that afterwards he heard say that the cargo would be deposited in various houses of that place; that when the deponent left in a canoe, which he had to do to come to this city, they had already deposited part of the cargo in the house of José Arazola Malo; that the greater part of what he had stated in this declaration is contained in a protest which Captain Maal made on board of the steamer, which is signed by all the passengers; that this is what he remembers about the affair and which he affirms and ratifies after having read it; declared his name to be as stated; signs after the judge, before me.

EULALIO LUNA.

MANUEL LASCANO, *Secretary*.

BARANQUILLA, December 15, 1865.

To the Judge:

Having been informed by persons of veracity that the witness Justiniano Lemus is away from this place, having left for Santa Marta immediately he arrived here, I inform you of it for the corresponding measure.

M. M. LASCANO.

PROVINCIAL COURTS,

Baranquilla, December 15, 1865.

Report noted; deliver this attestation to the party.

LUNA.

LASCANO, *Secretary*.

The same day notified R. A. Joy.

LASCANO.

Then delivered these depositions to the party interested.

PROVINCIAL GOVERNMENT,

Baranquilla, December 15, 1865.

I do hereby certify that the signatures above written, Eulalio Luna, provincial judge, and Manuel Marié Lascano, secretary, are their writing, and the same as they are accustomed to use in all their official acts.

JUAN DE LA C. RUIZ.

GREGORIO J. ARAGON, *Secretary*.

CONSULATE OF THE UNITED STATES OF AMERICA FOR SABANILLA.

I, the undersigned, consul of the United States of America for Sabanilla, do hereby certify that the foregoing signatures are those of Juan de la C. Ruiz, governor of the province, and Gregorio J. Aragon, government secretary; that they are the same as they are accustomed to use in all their official transactions, and as such are worthy of full faith and credit.

Given under my hand and the seal of this consulate at the city of Baranquilla, this — day of December, 1865.

WILLIAM A. CHAPMAN,
United States Consul.

[Translation.]

*Depositions of Captain Maal, Purser J. Jimeno, and Engineer James McKeon.**To the Provincial Judge :*

R. A. Joy, of this city, before you with respect says: that you will be pleased to summon before you C. A. Maal, captain, José Jimeno Collante, purser, and James McKeon, engineer of the steamer Antioquia, that they may, under oath and the penalties attached thereto, declare to the following:

First. For their personal knowledge of me, their ages, and the other generalities of the law.

Second. The first witness to declare the State in which the hull and all other things belonging to it were in when it was appropriated by Mr. Manuel Vengoechea, in what place the act was consummated, in which State, and what expressions Manuel Vengoechea made use of.

Third. The third witness to declare in what condition were the engines, boilers, and everything pertaining to them when the above mentioned steamer was appropriated by Manuel Vengoechea, special delegate of the citizen President of the State of Magdalena; let him declare, as well as José Jimeno, the expressions made use of by Mr. Vengoechea, and everything else they know about the affair. When done, I hope the originals will be returned to me to make such use of as may suit my purposes.

R. A. JOY.

BARANQUILLA, December 13, 1865.

Presented same date and placed for despatch.

LASCANO.

PROVINCIAL COURT,

Baranquilla, December 13, 1865.

According to petition, therefore, summon the witness named.

Notify—Luna.

LASCANO.

The same day notified R. A. Joy in his house.

LASCANO.

The same day the summonses were issued.

LASCANO.

The 14th of the same month appeared José Jimeno.

The judge in my presence administered the oath in due form, &c.

To the first question he answered, that he knows R. A. Joy; he is twenty-one years of age, and that he is not comprised in the generalities of the law.

To the fourth question, as the others do not apply to him, he answered, that on the night of the 10th instant the steamer Antioquia was detained in a place called Guaquiri by the forces of the government of Magdalena; that the Antioquia was returning from Nare to this city, as a mail steamer; that at half-past one of the following morning Manuel Vengoechea with a train of officers came on board, declaring himself to be the special delegate of the executive power of the State of Magdalena, and that in such character he commenced by exacting from the deponent, as purser of the steamer, the private correspondence that he had; that after this he took sworn declarations from the captain of the vessel, C. A. Maal, and the deponent, in the investigation of the truth of the conveyance on board of the vessel on her upward trip of Luis Capella Toledo, Sinforos Pumarejo, Nicolas Fuentes, and other officers; notwithstanding the impediments made by the governor of the province, that after this the said Vengoechea demanded the correspondence which had been taken at Banco, as part of the national mail, which deponent refused; that then followed a private conference between Vengoechea and the captain, and after that he said publicly that he required him to convey his troops to Plato, which the captain refused to do; that then Vengoechea proceeded to the appropriation of the vessel, which he did appropriate by the introduction of troops on board, informing the captain that he and all the employes were displaced from their employs, and ordered the arrest of the captain and the deponent on board of the vessel; that after this Vengoechea ordered the vessel to be taken to Calamar, obliging by force the engineer's assistant and the pilot to take her there; that on leaving Guaquiri the deponent observed that the departure of the vessel was with great difficulty appearing to be impeded by some invisible object; that, after the arrival at Calamar, Vengoechea obliged the captain and engineer to leave the vessel and proceeded to land the cargo, previously having required the deponent to deliver it, which he refused to do; that Vengoechea allowed deponent to go ashore, under oath not to leave the place; that he required him to deliver the mail, which he also refused; that in Guaquiri, at the time of taking the declarations, the mate presented himself to report to the captain that the vessel was making more water than ordinarily; that the deponent was not informed till mid-day that he was at liberty; that after two hours, he presented, by order of the captain, the inventory of the vessel to Vengoechea, which, after satisfying himself that it was correct, he signed and returned; that then the vessel left that

port for down stream; that this statement is true, which he affirms and ratifies, after having read it, said he is called, as put down, twenty-one years of age, a resident of this place, and signs before me, after the judge.

EULALIO LUNA.
J. JIMENO.

MANUEL M. LASCANO,

Secretary.

Then appeared C. A. Maal.

The judge administered the oath in my presence in due form, &c.

To the first question he answered that he knows R. A. Joy; that he is of age, and not comprised in the generalities of the law. To the second, he answered that the steamer was in good order for navigation; that all the furniture and fittings of the steamer were in good order at the time she was appropriated; that the appropriation was made on the coast of Guaquiri when she was forced to tie up by the flotilla of war; that they made him do it from the middle of the stream; that this was done by Mr. Vengoechea, as special delegate of the executive power of the State of Magdalena. To the fourth question he answered (the third not applying to him,) that at half past three in the afternoon of the 10th instant, while running down stream, in front of a place called Cotore, having on board the national mail, cargoes, passengers, and specie to deliver to the several owners, he was detained by a bongo armed in war, which, coming to the side of the vessel, gave the order for her to go slowly in its company until meeting the delegate of the President of the State of Magdalena, and, if the order were not complied with, the vessel would be fired upon on the responsibility of the captain, the commander of the bongo of war having a canon in the bow of his vessel directed at the steamer, with a gunner ready with a match lighted; continuing in this way, another vessel of war came alongside, a person calling himself Colonel Valencia came on board and repeated the same orders as those given by the first commander, and, for greater security, he left on board an officer. He re-embarked in his own vessel, following which they met four more armed vessels, which also came alongside; that Manuel Campo Rodriguez came on board, accompanied by sundry officers. He said he was a general, representing the delegate of the executive power of the State of Magdalena, and ordered him to make fast the vessel at the coast of Guaquiri; that deponent refused to do so, manifesting to Mr. Campo that by this proceeding he violated the law of the 24th of May, 1856, extended by that enacted on the 25th May, 1861, about navigation by steam in the river Magdalena; that he placed a copy of the law before him that he might see it, to which he only answered, that he not only was aware of the law, but had helped to make it; that he, Campo, also ought to take into consideration that he detained a vessel which was in the service of the national government, conveying the mails; that he was making her come to in a very exposed place, full of logs and trunks of fallen trees, which were not visible, exposing in this way a vessel which navigated under a foreign flag, a cargo, the greater part of which belonged to foreigners; specie he had on board, and the national mail, and that he was not disposed to obey this violent and arbitrary order; that then, Campo told him, notwithstanding all his manifestations, that if he did not make fast the vessel where he told him, he would use the force at his command, and that the vessel must remain there until further orders. That so she remained until half past one on the morning of the 11th, when another armed vessel arrived, and made fast to the side of the steamer; that Manuel Vengoechea, José María Mendoza Llanos, Nicolás Mendoza, Andreas Bermudez, and several other officers, who are unknown to the deponent, came on board; that Vengoechea said he was special agent of the President of the State of Magdalena, and the orders given by Campo and the two other chiefs were by his command; that the deponent placed before Vengoechea the navigation law before cited, to which he answered that he was perfectly aware of it; that he demanded the private correspondence on board the vessel, part of which he opened; that he asked if I was disposed to give a declaration that he was going to demand in his character of special delegate, which declaration consisted of—if the steamer in previous voyages conveyed José María and Manuel Luis Herrera, and he answered it was true that he received them on board at Nare and landed them in the port called La Gloria; that if he had taken on board in this port Luis Capella Toledo and Sinfaroso Pimerajo and others whose names the deponent does not remember, and deponent answered that he neither knew the two nor the others, and that according to verbal orders from the governor for them not to be admitted on board when they presented themselves they were refused, and did not go that voyage, as they can declare in proper time. This being finished, Vengoechea took declarations from the purser on the same subject; that while this was going on the mate came to report that the vessel was making more water than ordinary; that he tried to find out the cause; that his opinion is, on this point, that in trying to bring the vessel to in this place she got upon some log or trunk of a tree which was the cause of her making water, and that to find out the reason was impossible; that Vengoechea begged of him to have a private conference, which was to manifest to him that he required the vessel to carry his troops to Plato, and that if he wished to do this service they could enter into an arrangement for the service which was to be performed; and if not, that he would appropriate the vessel and oblige him by force to do it; that the deponent informed Vengoechea that on no account could he accept his proposition, because he had no authority to do it, as it was

entirely contrary to the instructions of the *Compania Unida* issued by R. A. Joy, the general agent: that in his character of foreigner, he was strictly prohibited from mixing himself in the political questions of the country, and that the vessel under his command was also foreign; that then Vengoechea ordered troops on board, to which he offered resistance; during this time he had the American flag hoisted; that for this reason Vengoechea deposed him from his command, and told him that he must remain under arrest on board the vessel; that deponent heard a constant use of the pumps; that he heard orders given at five o'clock to light the furnaces; that from half past six to seven o'clock, when they cast off the vessel to continue the voyage, the vessel was held by some object under the bottom; that the pilot was forced to exercise his functions, a sentry being placed at each door of the pilot-house; that after having got off with some difficulty from that port, they ran downstream until they arrived in front of Calamar, where they came to, and made the vessel fast, placing sentries to prevent the landing of the crew; that deponent went up to Vengoechea, to tell him that among the crew there were Dutch, English, and citizens of the State of Bolivar and other States; that Vengoechea answered, "it little signified; he was resolved to everything; he appropriated the vessel, and would appropriate the people also; that Vengoechea ordered him to deliver the national mail, which deponent refused to do; Vengoechea said that he himself would take and deliver it, and if the postmaster refused to receive it he would order it to be thrown in the public square; that afterwards he delivered to him a decree of appropriation; that he demanded of the deponent an inventory of the vessel, which was made out by the employé of each department who had to furnish it, which document was signed in duplicate, Vengoechea remaining with one copy and the deponent the other; that in the presence of everybody the deponent landed; that when on shore, in the house of Mr. Arazola, Vengoechea told him that he ought to order the delivery of the cargo; that the deponent told him he had nothing to do with the vessel or cargo; to which Vengoechea answered that if he had known that, he would not have allowed him to go ashore; that afterwards he saw them commence to discharge the vessel, which continued to six o'clock; that next day, very early, they recommenced the unloading, all the time with troops on board, and a war bongo made fast to the stern; that, when deponent was deposed from his command, he hauled down the American flag, and that about twelve o'clock the vessel started down river without the deponent knowing where bound; that of all he has stated here he made a formal protest signed by himself, the engineer, purser, and five passengers, in which he expressed that an act of violence and arbitrariness had been committed, the same as done by lawless people and pirates; that what he has stated is the truth, which he affirms and ratifies after having read it; said he was called as already stated, resident of this place, and a sailor by profession. He signs after the judge in my presence.

EULALIO LUNA.
C. A. MAAL.

MANUEL M. LASCANO, *Secretary*.

PROVINCIAL COURT,
Baranquilla, December 14, 1865.

Report received. Let the witness, James McKeon, as he does not know the Spanish language, be examined through an interpreter; appoint Eugenio L. Martinez for the purpose, and notify him of it that he may accept, and take the oath.

LUNA.
LASCANO.

The same day I notified R. A. Joy.

JOY.
LASCANO.

Then I notified Eugenio L. Martinez, who accepted.

MARTINEZ.
LASCANO.

Then appeared Eugenio L. Martinez, and the judge received the oath that he gave in due form, after hearing read the corresponding articles of the penal law, and offered to discharge well and faithfully the office of interpreter, for which he had been named, in proof of which he signs after the judge in my presence.

EULALIO LUNA.
E. L. MARTINEZ.

MANUEL M. LASCANO, *Secretary*.

Then appeared James McKeon, and the judge, through the interpreter, administered the oath in due form, &c., &c. To the first question, he answered through the interpreter that he knows R. A. Joy; is 39 years of age, and is not compromised in the generalities of the law. To the 3d question, the previous one not applying to him, he answered that the machinery, boilers, and everything belonging to them were in good working order at the time the steamer Antioquia was appropriated by Manuel Vengoechea, special delegate of the citizen President of the State of Magdalena.

To the fourth he answered, that, more or less, at 4 o'clock in the morning of the 11th in-

stant, the deponent being in bed, in his room, Manuel Vengoechea sent to call him to propose to him if he liked to continue on board as engineer, being paid any salary he liked to ask, to which deponent answered that he was not disposed to accept any such proposition, because he was a foreigner, and did not wish to mix himself up in the political affairs of the country.

That about five o'clock in the morning of the same day said Vengoechea sent a verbal order for deponent to deliver the machinery and boilers to an individual who was on board, who if he remembers right was called Manuel Berrios, and who was a fireman in the steamer Estrella in this port.

To which deponent answered that he could take charge of them, as he did not keep them in his mouth or his pockets. That is all he knows about the affair; that what he has stated is the truth, which he affirms and ratifies after having read it; said he was called as stated: resident of this place, engineer by profession, and signs together with his interpreter, after the judge, and in my presence.

EULALIO LUNA.
JAMES MCKEON.
E. L. MARTINEZ.

MANUEL M. LASCANO, *Secretary*.

The same day I delivered them to the party interested.

LASCANO.

GOVERNMENT OF THE PROVINCE.

Baranquilla, December 14, 1865.

I do hereby certify that the signatures which appear in this document, which say Eulalio Luna, Manuel M. Lascano, are, the former of the provincial judge, and latter of his secretary, and the same as they are accustomed to use in all their official acts.

JUAN DE LA C. RUIZ.

GREGORIO J. ARAGON, *Secretary*.

CONSULATE OF THE UNITED STATES OF AMERICA FOR SABANILLA.

I, the undersigned, consul of the United States of America for Sabanilla, do hereby certify that the foregoing signatures are those of Juan de la C. Ruiz, governor of the province, and Gregorio J. Aragon, government secretary; that they are the same as they are accustomed to use in all their official acts, and as such are worthy of full faith and credit.

Given under my hand and the seal of this consulate at the city of Barranquilla, this — day of December, A. D. 1865.

W. A. CHAPMAN,
United States Consul.

[Translation.]

Protest of owners and consignees of the cargo landed in Calamar from the appropriated steamer Antioquia.

In the city of Baranquilla, the 15th day of December, 1865, appeared before me and the undermentioned witnesses, Messrs. Andres E. Mansilla, a Danish subject; A. P. Simmonds, for himself, and representing Messrs. C. H. Simmonds & Co., citizens of Hamburg; Sundheim & Co., of Bremen; Julio A. Deitzezweig, of Hanover; Augustus Struz, representing Messrs. E. Isaacs & Co., British subjects; A. & J. Senior, of Holland; J. Helm & Co., of Denmark; Acpli, Grasmeyer & Co., of Switzerland and Hamburg; Chapman & Martinez, the former of the United States of America; Julian Ponce, for himself and as factor for Pedro Furgusso, a British subject; Mannel M. Marquez, attorney for his father, Estevan Marquez; Manuel Ujueta, José Angel de la Rosa; and Joaquin Antonio de la Rosa and Joaquin Antonio de Mier, all these last of this State of Bolivar, and all residents and merchants of this city, of age, and said, that having received notice that on board the steamer Antioquia there were cargoes of produce of the country for them, and that they had been landed without knowing how or where, they applied to R. A. Joy, the general agent of La Compania Unida de Navegacion por Vapor en el rio Magdalena, and said agent, by a circular, informed them that Mannal A. Vengoechea, in the name of the State of Magdalena, seized by force the steamer Antioquia, on her downward trip, with the cargo, mails, and passengers, on the 10th instant, as stated in the protest made by him before the notary public of the province. On this account they applied to the notary to see said protest, as also that made afterwards by Christian A. Maal, captain of the Antioquia. They find that on the down trip of the steamer Antioquia with the national mail a cargo of produce of the country, and passengers, in a place called Cotore, a vessel of war belonging to the State of Magdalena fired a gun and obliged her to interrupt her voyage; that the commander of that vessel intimated to the captain that he had an order to guard the steamer till they met the delegate of the President of the State, who was coming with the rest of the flotilla; that afterwards Commander Ramon Valencia arrived in another war vessel; that he made him the same intimation, and shortly afterwards General Manuel Campo Rodriguez arrived with

five more vessels, and guarded in this way, they insisted upon the vessel being made fast until the arrival of Manuel Vengoechea, delegate of the executive power of the State of the Magdalena, who approved of all that had been done by Campo Rodriguez; and because the captain refused to return with the vessels, conveying troops and towing war vessels, he displaced the captain, gave a decree appropriating the steamer and took the vessel to Calamar, landed the cargo without the interference of the captain or the officer whose duty it was to exercise that function, and without either of them being able to give an account of the formalities observed, as the captain, in view of the violence exercised, made a complete abandonment of the vessel, cargo, and even of the mail; that the protestors, counting upon the guarantees of the national constitution, and especially of the law of the 25th May, 1864, which so expressly protects the navigation of the rivers, could not expect such an abrupt proceeding as has taken place, scandalously infringing the laws mentioned; from private sources they have learned that the cargoes which belong to them are in Calamar, without knowing for certain whether they are complete, nor in the good condition in which they were at the time of shipment, because the captain says in his protest that after the detention of the vessel she began to make a good deal of water, and the captain opined that she might have received some damage in the place where she was made fast, which is a dangerous one, without being able to remedy the evil in consequence of the situation in which he found himself, which did not permit him to disoccupy the holds that were full of cargo; that there are now in the port of Sabinalla sufficient vessels to carry the cargoes to their destination and that they might obtain moderate rates of freight, which will not happen after; that up to the present time they have experienced great prejudice in their interests, and know not what may originate hereafter; on which account, to cover themselves, and in the names of those they represent, they protest once, twice, thrice, and as many more times as may be necessary, against the Compania Unida, to whom belongs the steamer Antioquia which had the cargo on board; against the high functionaries of the State of Magdalena, who appropriated the vessel and took out the cargo which was on board; against the government of the United States of Colombia, to which the State of Magdalena is dependent, and which has guaranteed the free navigation of the river, and against whosoever more it may be convenient, so that the damages, losses, prejudices, and deteriorations which have taken place up to the present time, and may occur hereafter, be not borne by them, nor by the several owners and parties interested, but by the before-mentioned and any others that may be responsible; and that in this understanding the protestors and others who find themselves prejudiced may make use of their rights and actions which may belong to them, for to that intent and end they have made the present.

The register duty has been paid, as shown by the account, which copied says thus:—

ADMINISTRATION OF FINANCE,
Baranquilla, December 15, 1865.

Messrs Manuel A. Marquez, Andres E. Mansilla, A. P. Simmonds, Manuel Ujmeta, Sandheim & Co., J. A. Deitzweig, José A. de la Rosa, Chapman and Martinez, Augusta Strong, A. & J. Seimor, Julian Ponce, A. Reien & Co., Antonio de la Rosa, Acpli Grasmayer & Co., and Joaquin Ant. Meir, have paid two dollars for the register duty of a protest which they are going to make. \$2.

Tiburo C. Aranzo and the protestors, who are known to me, the public notary, do thus protest and reclaim, and asking me to grant as many copies as they may require, thus do make and sign before me and the two witnesses, Atitano Concha and J. B. Munez, neighbors present: Acpli Grasmayer & Co., J. Helm & Co., Julio Dietlezweig, P. Fergusson, in liquidation Julian Ponce, for himself Julian Ponce, Manuel Malignetin, Augustus Stuitz, A. P. Simmonds, Joaquin Antonio Mier, Antonio de la Rosa, Chapman and Martinez, A. & J. Senior, Sundheim & Co., José Angel de la Rosa, Andres E. Mansilla, Manuel M. Marquez, Atitano Concha, Juan B. Munez, José M. Lascano, notary public.

Done before me, which is in the book of public instruments kept by me, and to which I refer under the number 251, and to deliver to the parties interested, I have extracted this third copy in your pages of corresponding paper, the margin of the first rubricated; and here I sign in Baranquilla this December 16, 1865.

[SEAL]

JOSÉ M. LASCANO
Notary Public.

[Translation.]

FIRST MEMORIAL TO THE GOVERNMENT OF THE UNITED STATES OF COLOMBIA.

Robert A. Joy, agent of La Compania Unida de Navigacion por Vapor el rio Magdalena, represents to you a scandalous act, violating the free navigation of the river Magdalena, guar-

anted by the third paragraph of the 8th article of the national constitution, and by the law of the 25th of May, 1864, the right of property guaranteed by the fifth paragraph, article 15, of the same constitution; the security of the persons guaranteed by the fourth paragraph of article 15 of the same constitution; existing public treaties between the governments of Great Britain and the United States of America; the rights of people, and the tenth article of the mail contract made with the national executive on the 30th of April, 1864, obliging me to abandon my domicile in Baranquilla and transfer myself to this capital to reclaim from you the cessation of the outrage and the corresponding indemnification for the damages and prejudices which the company has suffered and may suffer, about which I opportunely made the necessary protests.

The act is as follows The 10th of December last the steamer Antioquia, on her return trip with the national mails, passengers, and cargo for sundry individuals, was detained and captured by war vessels of the sovereign State of Magdalena.

The following day, when Mr. Manuel Vengoechea, delegate of the executive power of the said State, arrived, he said that what had been done with the steamer Antioquia had been in compliance with his orders. He had the pretention that Captain C. A. Maal should abandon the national mail and cargo, and return to convey his troops to Plate, which the captain refused to do, as he was in duty bound. Mr. Vengoechea then decreed the appropriation of the steamer Antioquia, put under arrest the captain on board his own vessel, dispossessed him of command, took the vessel to Calamar, then made the passengers land, and put on shore the national mail and cargo. He forced the pilot and crew of the vessel to continue serving and destined the vessel for the conveyance of troops of the State. That the acts referred to are violations of the constitution and national laws, of the treaties with the before-mentioned nations, the rights of the people, and the contract referred to, do not require any demonstration; it would be offensive to touch upon it; it is enough to read the laws quoted, be acquainted with the international rights and the said contract, to be convinced of it.

Of the outrage committed by the delegate I passed a communication to the executive power of the sovereign State of Magdalena; but I could not, and ought not to have understood myself with it respecting reclamations and indemnifications which have to be established and exacted for what has happened, because the matter belongs entirely to the national government, as it concerns the navigation of a river which washes the territory of more than one State, as also for its international character, on account of the violation of the treaties and rights of people, according to the paragraphs 1st and 6th of the 17th article of the constitution and the before mentioned navigation law.

On that account I apply to you, citizen President, as soon as it has been possible for me to do so, proving sufficiently with the accompanying documents the acts alluded to, and praying that you will immediately decree the return of the vessel, which will be received in Baranquilla, the domicile of the company, if she should be in a state for service, and the indemnification by the national treasury of the damages and prejudices suffered, and which the company represented by me is still suffering, according to the terms that will be expressed at the end of this memorial, for the outrages already mentioned. The prejudices experienced by the company from this occurrence have been of a most grave character.

Without the vessel appropriated, it cannot comply with the multitude of engagements for the carriage of freight nor with the contract made with the national government for the carriage of the mails.

It is not hidden from the citizen President, to whom I address myself, the great importance of making effective the free navigation of the rivers, which the general government has guaranteed, and this will not be obtained without making effective the responsibility of State governments and fully indemnifying the prejudices caused by the infraction of the national laws on this subject.

The indemnification which I exact is as follows: for the value of the freight of the cargo which was on board of the vessel at the time of her capture and which was lost to the company on account of not being able to deliver the same \$1,130 50.

For the service of the vessel appropriated and the injury caused to the company by the impediment and disorganization of its business from the 11th of December till the day in which the company can again make use of the steamer Antioquia, for every day three hundred dollars, (\$300,) besides the damages the vessel may have received and of the articles that may be wanting in the inventory at the time of delivering the vessel, and the costs of the reclamation.

In case of the total loss of the vessel, or deterioration which should leave her useless, her value is \$50,000.

I pray, citizen President, that you will come to a quick and favorable resolution of my petition, so as to avoid greater prejudices to the nation and the company.

R. A. JOY.

Citizen PRESIDENT.

[Translation.]

Answer of the Government of the United States of Colombia to first memorial of R. A. Joy.

UNITED STATES OF COLOMBIA, NATIONAL EXECUTIVE, SECRETARY OF INTERIOR AND FOREIGN RELATIONS, GOVERNMENT DEPARTMENT, SECOND SECTION, NUMBER 188,

BOGOTA, January 9, 1866.

MR. ROBERT A. JOY:

From the petition and accompanying documents which you have presented to the national executive relating to the interruption of the voyage of the steamer Antioquia and the forced employment of her for the conveyance of troops of the State of Magdalena, it appears that on the 10th of December last said steamer was detained by the commander of the armed vessels of said State, near to a place called Cotore, and that the day following Mr. Manuel Vengoechea, delegate of the government of Magdalena, issued a decree temporarily taking possession of said steamer, which he had delivered to him under inventory, and leaving the cargo in Calamar.

In this office there are data that the President of Magdalena has lamented the abuse referred to, which he hastened to correct as far as possible, offering to you the immediate return of the steamer, for which he proposed the appointment by you of an agent to receive it, and offered also indemnification without the necessity of reclamation, complaint, or judgment, proposing to you a legal and just arrangement of the matter, and that an account should be given of all to the general government.

Once that the evil was caused, what was important was to lessen the results. To this end he tended the return of the steamer, and your refusal to receive it, because the return was not made in the domicile of the company, did not consult in any way the convenience of the company itself, nor of the government, that the prejudices and abuse should be as limited as possible.

Therefore the responsibility which, without dispute, has arisen from the proceeding of taking the steamer, does not extend to damages which she may suffer, nor for the prejudices of her detention further than for the time she was detained, but not for that posterior to the date in which, as was offered, and which undoubtedly would have been complied with, she might have been returned, but for the obstinacy of the owners, which cannot be satisfactorily explained, with the prolongation of the evil, and with the exposure of the steamer to ulterior damages and even to a total loss; the company was not empowered to compromise the responsibility of the government nor even of the causes but their own, or their own interests.

I have received an order from the citizen President to establish clearly these facts, which must serve as an antecedent to the company in the demand for indemnification to which it may have a right—the amount of which, and those immediately responsible, will be determined by the respective tribunals.

To this end, all the documents concerning the matter have been passed to the procurador of the nation, and orders have also been issued for the return of the steamer, and that all the necessary documents be collected about the damages caused. As the president from the State of Magdalena is the constitutional agent in that State of the government of the Union, the measure adopted by said president for the return of the steamer—a measure for the non-fulfilment of which is exclusively responsible the company which did not deign to receive it, so that the evil might cease, and that the consequences might be less grievous and costly—that measure has the character of being dictated by the national executive, and the orders now given directly cannot be considered but as a repetition of the said measure.

Your obedient servant,

SANTIAGO PEREZ.

[Translation.]

SECOND MEMORIAL TO THE GOVERNMENT OF THE UNITED STATES OF COLOMBIA.

Citizen President of the United States of Colombia:

Robert A. Joy, agent of La Compania Unida de Navegacion por Vapor en el rio Magdalena, respectfully represents, that the communication from the secretary of the interior and foreign affairs has been received, dated 9th inst., No. 188, of the 2d section of the government department, in which appears the desire to transcribe the resolution of the executive, to my former memorial about the violent appropriation made of the steamer belonging to the company I represent, navigating the river Magdalena with passengers, cargo, and national mails, or at any rate to give me, in your name, an official answer to my before mentioned representation.

This answer, or the opinions and determination these involved, oblige me to address you again, and to take the liberty of analyzing the contents of that communication to establish better my petition, which, permit me to say, has not had the reception it ought to have had.

The company represented by me has large sums of money invested in the enterprise of steamers navigating the river Magdalena, based on the securities and guarantees offered by the constitution and the laws of the country.

Other companies have been formed and operate with the same object. Several of the richest and most populous of the States of Colombia make use of these steamers to carry on an active and important commerce. And the whole nation, more or less directly, is interested, perhaps in a greater degree than the company which I represent, in knowing what is effectively the liberty and security which can be counted upon in this navigation—what the value of the promises solemnly repeated relating to said navigation.

On treating, then, of the appropriation of the steamer Antioquia, I discuss a question, the solution of which necessarily affects many very great and respectable interests. The document which I now answer, in resuming, contains the following points:

1. The manifestation by the executive that it is fully informed, that on the 10th of last December the steamer Antioquia was detained on her voyage, forcibly appropriated and placed in the service of the government of the State of Magdalena, while said vessel was loaded with merchandise and with passengers, and the bags of the national mail on board.

2. The knowledge of the government of the Union that Mr. Manuel Vengoechea, calling himself an agent of the government of the State of Magdalena, possessed himself of the official and private correspondence of the mail which was on board said steamer, giving them such direction as he thought convenient.

3. The opinion of the national executive, that in cases like the present, it has only to pass to the procurador of the nation the documents presented, so that the tribunals may determine the amount of damages caused, and who are responsible to the company.

4. The opinion also of the executive, that the agent of La Compania Unida ought to have yielded to the vague indication made by the president of Magdalena, by appointing an agent to convey himself to any point that that functionary might wish, to receive the appropriated vessel, and for not having consented to this indication the damages which I can claim ceased, since the time that said president made the offer.

5. The national executive considers that, as the president of the State of Magdalena is the constitutional agent of the government of the Union of said States, the measure adopted by said president for the return of the steamer (of course of the form in which he presented it) has the character of being dictated by the national executive, and the orders now given directly can only be considered as a repetition of said measure. Such are, in summary, the opinions expressed in the before mentioned note of the secretary of the interior and foreign affairs.

In analyzing them I shall be short, because I do not believe the opportunity has arrived to occupy myself with all the questions suggested in the note.

The executive of the Union being informed that certain individuals, in the name of the government of the State of Magdalena, had forcibly possessed themselves of a vessel belonging to the Compania Unida, discharged her cargo on one of the banks of the Magdalena, taken possession of the official and private correspondence which she had in the national mail, and the vessel placed in the service of that State to make war upon its interior enemies, the government of the United States of Colombia, which knows all this, only finds, in this complex act in the accumulation of outrages, a question of indemnification to the company injured, for which alone has the procurador of the nation been instructed.

I cannot conceal from you, citizen President, the surprise with which I have seen the restricted proportions which have been attributed to such like excesses. If the authorities of the State of Magdalena are only responsible for the injuries caused to the company, what else would they have had to do, if the law had allowed them to take the vessels navigating the river whenever they required them? What becomes of the constitutional guarantees and those especially granted by the law of the 25th of May, 1864, on navigation, as well as the one in continuation of it, and the solemn compact in the contract for carriage of the mails, which has not long been made with me? What signifies the 25th article of the law of the 29th of April, 1865, organizing the national mails, which says: "All ordinary or extraordinary mails will enjoy, during the journey, perfect guarantee for the persons, beasts, and vehicles indispensable for the compliance with the service." * * * In consequence, they ought to be protected and assisted by the authorities on the route, and cannot be detained by any authority, employé, or functionary unless the conductor has committed some grave offence. * * * For what does the case of procedure in criminal affairs form part of the national legislation, especially the articles 1st, 2d, and 13th and the penal code, according to which the infractions of the law ought to be punished.

Let us generalize the opinions of the executive on this point, and we will see if the act of the appropriation of the steamer Antioquia is so insignificant as is pretended, and if it can be sustained by the side of the constitution and laws of the country.

Taking the doctrine of the executive from the special to the general, and it is equivalent to the following:

In every case in which a vessel conveying cargo, passengers, and national mail bags, is taken by force by agents of the State governments the shores of which are washed by the waters of the rivers navigated by said vessels, and the arrangement of the navigation of which is reserved for the general government, this will limit itself to the instructions of the procurador

of the nation of what has happened, that he may promote before the tribunals what may be necessary to clearly establish the injury occasioned to the owner of the vessel, and who are the parties immediately responsible for the damage. For the rest, the States are free to appropriate steamers in all the rivers, to possess themselves of the mail bags and specie they carry, and to do with them whatever they think proper.

I do not believe, citizen President, that the above doctrine can possibly be sustained. The simple enunciation of it is sufficient to combat it; nevertheless allow me to bring forward the following disposition:

First. The sixth paragraph of the seventeenth article of the national constitution exclusively attributes to the national government the arrangement of the navigation of the rivers which wash the territories of more than one State.

Second. The third paragraph of the eighth article of the same constitution prohibits the States from restricting by imposts, or in any other manner, the navigation of the rivers.

Third. The first article of the before-mentioned law of the 29th of April, 1865, organizing the national mails, says that the mails constitute a special administrative department of the government of the Union, and the object of which is to carry, secure, and guarantee the correspondence, printed papers, and parcels which are sent by the mail lines kept by the national government.

Fourth. The third principal object of the national mail, as by the fifth article of the same law, is to protect commerce and the national industry, by conveying with safety and despatch the correspondence and funds by the mail lines of the Union.

Fifth. The twenty-eighth article of the same law imposes upon the authorities the duty of supplying individuals to guard and escort a mail that may be threatened, and to them the duty of resisting any attack with valor, and by use of arms.

Sixth and last. The tenth article of the contract made with the *Compania Unida*, for which I am agent, for the carriage of the Atlantic mail, says: "The public authorities of the place situated on the route which the mails have to travel, from this capital to Santa Marta, shall not embarrass in any way the operations of the vessels destined for the mail service," &c.

Not even necessity could extenuate the proceeding that I complain of, because it is to the point to observe to you that the appropriation of the steamer *Antioquia* was decreed by Mr. Manuel Vengoechea, partner of a steam navigation company which makes a strong opposition to the *Compania Unida*; that it was done at a short distance from Baranquilla, in which port were the steamers unloaded of the company to which he belongs; that consequently if Mr. Vengoechea or his government was necessitated for a steamer, he might have contracted for one of his own company, without the necessity of appropriating one belonging to others, which, as I have said before, was not in circumstances to render service to the appropriating government. I have too high an opinion of the supreme magistrates of the nation not to be persuaded that after studying a little more this matter, they will give it the importance which it merits.

It is sustained that the agent of the *Compania Unida* ought to have accepted the vague indication of the president of the State of Magdalena, to appoint an agent who should receive the appropriated steamer in the place that he should determine, a doctrine which I esteem entirely unacceptable. If the government of the State of Magdalena had a legal right, which it has not, to take the vessel of the *Compania Unida* whenever it liked, it would still be a pretension, more than irregular, to think that the company should be bound to go and receive the appropriated vessels in the place appointed by the appropriating government. Even under this supposition, the company would have an indisputable right to exact that the delivery should be in the place of its domicile, because no legislation authorizes, nor could authorize, debtors to pay whenever they thought proper.

Well, then, if from a legal act does not emanate the correlative right to the obligation which is pretended, how can it for an act which is not authorized by law, but on the contrary is prohibited and punishable? How can such a right be suggested, or arise such obligation? For the rest, in my opinion it is more than doubtful that the order for the delivery of the vessel would have been complied with, for it is clear that if the president of Magdalena really lamented the act of appropriation, and desired to deliver the vessel, he would not have limited himself to a simple offer, but would have disapproved plainly, and with the energy belonging to a public functionary, the conduct of his agent; he would have ordered the return of the steamer to Baranquilla, and would have made a judicial deposit of it, in case the company was not disposed to receive. This is the process in such cases. But to pretend that the agent of the company should expose himself to a mock; to pretend that he should receive orders from the authors of the outrage committed; to pretend that he should go humbly to the place which should be pointed out to get back what had been forcibly wrested from him; to pretend that the affair should be amicably arranged, was to pretend what was impossible for a man of dignity who was aware of his rights.

The company, besides humiliating itself with like proceeding, would have tacitly renounced its recourse against the general government, and established a terrible precedent for the future. Although the point I am now going to occupy myself with is not entirely clear, I think it necessary to refute the opinion therein contained, in case it should have been the intention of the executive to decline the responsibility which directly belongs to it in this matter, by announcing, as it does, that the tribunals will decide the quantity of the indemnification, and

who are responsible, for the *Compania Unida* will never admit in such cases that it should be subject to the ordinary tribunals, or that the damages should be awarded by the executors of the acts.

In my character of foreigner, and as the representative of foreign interests, I am authorized to exact the payment of damages which have been caused us from the general government, with which alone can I understand myself when, in treating of the matter in hand, international rights are concerned. The political constitution of this nation expressly recognizes this doctrine as much in the ninety-first as in the paragraph of the twenty-first article, in which it says that "the indemnification which the Union may have to award for violating acts of the individual guarantees, recognized in the fifteenth article, committed by State functionaries, will be charged to the respective States, which will be responsible to the federal treasury for the pecuniary value of the indemnification awarded." The direct responsibility of the general government, on the other part, is very clear, because, being bound to arrange the navigation of the river Magdalena, to maintain there the individual guarantees, and to comply with its own contracts, it is responsible for the illegal acts there committed on account of the inefficiency of the protection of the government.

The observations which I must make, citizen President, on the points which remain to be analyzed, are not less terminate. It appears to me that the interest of the government in this question is even greater than mine.

The answer to which I allude says this, which it is necessary to repeat: "As the President of the State of Magdalena is the constitutional agent of the government of the Union in said State, the measure adopted by said President for the return of the steamer is the same as if dictated by the national executive," although that President never informed me that in this case he was acting as such agent. If this were so, the deduction would be rightly, that all the acts done by that functionary in which national interests are concerned ought to be considered as acts performed by the general government.

Thus, then, the extraction of the funds from the custom-house of Santa Marta by that magistrate to sustain the war in which that State is involved, an act which is generally attributed to him, ought to be considered as done by the general government, which in my humble opinion you will not accept, nor in justice ought it to be said; such a mode of reasoning appears to me that, besides going contrary to the truth of the fact, involves a community between the sectional governments and the general government, incompatible with the responsibility of the States.

For me, what is certain is that the President of the State of Magdalena never thought of giving said order as agent of the general government, and that to accept it as implicitly, including the will of the national executive in such like acts as these functionaries, would obligate the acceptance always in the same way, and in every case, which is entirely unsustainable.

Having terminated this short examination, the moment has arrived to state the object of my first memorial, and that of this representation. It is confined to two principal points:

1st. To denounce to the general government the illegal acts committed against the property of the *Compania Unida de Vapor en el rio Magdalena*, the ill usage of the employes of the steamer *Antioquia*, the attack on the liberty of industry to which they were victims, and the hindrance to the progress of the mail, passengers, and cargo that were on board said steamer.

2d. To protest, as I do again protest, to recover in proper time from the general government the damages and losses which have been experienced by the company that I represent, the estimate I made in my previous memorial serving as a basis.

With respect to the first part, which is, without doubt, the principal, and upon which I beg of you to fix your attention, I believe that my duty is accomplished as far as I can do it. The reparation which, without doubt, will be given for the grievances done, is chiefly demanded by the public strongly interested in the matter. As to the second, it is not time to proceed further in this discussion. Therefore I limit myself to solicit respectfully that an order be given me, so that in the presence of an agent of the local government and of a judge or notary, the steamer *Antioquia* be delivered to me in the port of Baranquilla, the State in which she is found at the time to be minutely stated.

To terminate this representation, it only remains for me to request you to read the accompanying official document, in which the President of the State of Magdalena orders me not to allow the mail steamers to touch in *Bauco*, on account of there being troops opposed to his government. On this point I would wish an express declaration from the general government, and that this document be placed also to the procurador general of the nation.

Deign, citizen President, to attend to this representation, and resolve in accordance with it.

R. A. JOY.

BOGOTA, *January 16, 1866.*

[Translation.]

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF MAGDALENA—SECRETARY GENERAL—NUMBER 1,022, SECTION OF GOVERNMENT.

SANTA MARTA, December 15, 1865.

The citizen President of the State has received the note which you have directed him from Baranquilla, dated 12th instant, advising him that Mr. Manuel Vengoechea, agent of the executive power of the State, had taken the steamer Antioquia for the service of this government, and I have been instructed to answer you in the following terms:

The citizen President laments the act of having taken the steamer Antioquia by the delegate of the executive power, and he laments it for several reasons, among them because said vessel carried the national mail; but the agent of this government having found himself obliged by circumstances to adopt this measure, the executive power cannot do anything else than give, as it does in fact this day, an order to the delegate to immediately deliver the vessel to the person whom you may appoint, which can take the cargo left in Calamar.

As to the mail which was abandoned by the captain, at the time of the seizure of the vessel, Mr. Vengoechea thought fit to forward it, so that the public might not be delayed in the receipt of their correspondence.

The executive of this State, I repeat to you, laments what has happened with the steamer Antioquia; but as it is a consummated act, it is ready to indemnify the Compania Unida the prejudices which it has suffered, so that you will be pleased to fix the basis upon which to arrange in this case.

Your obedient servant,

J. M. CAMPO SERRANO.

Mr. ROBERT A. JOY.

[Translation.]

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF MAGDALENA—SECRETARY GENERAL OF THE STATE.

SANTA MARTA, December 14, 1865.

It having been thought convenient that the mail steamer should not touch in the Banco, on account of that place being occupied by rebels, who might commit some attempt against the mail, the citizen President of the State orders me to call upon you to order the captain not to touch there.

J. M. CAMPO SERRANO.

Mr. PRINCIPAL AGENT

of La Compania Unida de Navegacion por Vapor en el Rio Magdalena.

[Translation.]

Answer of government of United States of Colombia to second memorial of R. A. Joy.

UNITED STATES OF COLOMBIA, NATIONAL EXECUTIVE—SECRETARY OF INTERIOR AND FOREIGN AFFAIRS—DEPARTMENT OF GOVERNMENT, SECTION SECOND, NUMBER. 189.

BOGOTA, January 18, 1866.

The executive of the Union has ordered the citizen President of the State of Magdalena to return the steamer Antioquia, the use of which was appropriated from the company that you are agent for, by the delegate of the said magistrate, in the terms of the decree of the 10th of last December.

Your obedient servant,

SANTIAGO PEREZ.

Mr. ROBERT A. JOY.

Law of April 7, 1852, declaring the navigation of the rivers of the republic free to merchant steam vessels.

The senate and chambers of representatives of New Granada, in congress assembled, decree:

ARTICLE 1. From and after the publication of this law the navigation of the rivers of the republic is open to foreign merchant steam vessel under their own flag.

§. Privileges granted by law and agreements which have obtained the approbation of congress are not interfered with by the contents of this article.

ARTICLE 2. Foreign vessels are subject to all the duties and obligations to which national ones are liable, and their crew must yield obedience to the national authorities, to whom all foreigners are subject.

ARTICLE 3. The law of April 11, 1846, respecting inland navigation, is hereby reformed in terms above expressed.

ARTICLE 4. All controversies which may arise in consequence of the enactments of this law, or respecting its sense or interpretation, shall be determined by the magistrates and according to the laws of the republic.

No foreigner shall in any case allege any right, immunity, or exemption which is not expressly recognized or granted by the laws or public treaties, nor shall the interference of any authority or functionary other than those legally established with jurisdiction in the said republic be permitted.

Issued in Bogota April 5, 1852.

JUAN N. AZNERO.

President of the Senate.

PATROCINIO CUELLAR,

President of the Chambers of Representatives.

MEDARDO RIVAS.

Secretary of the Senate.

By the secretary representative:

N. PEACIA GAMBA.

BOGOTA, April 7, 1852.

To be carried into effect and published.

JOSÉ HALARIO LOPEZ,

Secretary of Foreign Affairs.

JOSÉ MARIA PLATA.

[Translation.]

Law of the 24th May, 1856, on navigation of the rivers.

The senate and house of representatives of New Granada, in congress assembled, decree:

ARTICLE 1. Navigable rivers which extend to more than one province, and those which serve for exterior commerce may be freely navigated by every description of merchant vessels, of whatever tonnage, either national or foreign, and their banks are of free access to all who navigate them. The municipal governments and the owners of the adjacent lands cannot impose any tax on the navigation of said rivers, or the vessels which navigate, or on the merchandise and other objects carried in them.

ART. 2. Foreign vessels will be subject to all the duties and all the obligations which weigh upon national ones, and the crews to the dependence of the national authorities to which all foreigners are subject.

ART. 3. In points where the rivers cross the public roads the passage is free to every description of craft, but if in any of these passes the provincial legislatures deem it convenient for the facility and security of traffic to construct bridges, maintain vessels, or establish any apparatus for the passage of the river, they can make it, provided the bridge or apparatus does not disturb the navigation of the river longitudinally, and they may likewise collect a bridge or passage toll, or permit those to collect it to whom they may grant the privilege of making such works.

ART. 4. The toll collected, in virtue of the previous article, can only be invested in the indemnification of the cost of the bridge, vessel, or apparatus destined for the passage of the river in the preservation of said work, in the service of said pass, and in the improvement of the road forming part of said pass.

ART. 5. If the points in which the passage of the river is should be a dividing line between two provinces, the respective municipal governments ought to agree respecting the pass, the construction or establishment of the necessary works, and the division between the two of the product which is to be legally invested.

ART. 6. If one of the municipalities interested in the pass is of the opinion that it ought to be left free, the other cannot subject it to restrictions; but if a desire should be to build a bridge, and one of the municipalities should not wish to participate, the other alone can provide for the construction and legally invest the products.

ART. 7. Controversies arising in consequence of the dispositions of this law or upon its interpretation or understanding, shall be decided by the magistrates according to the laws of the republic. In no case can a foreigner allege privilege, immunity, or exemption, not recognized or conceded expressly by the laws or public treaties; nor will the intervention of any other authority or functionary be allowed than those legally established with jurisdiction in the republic.

ART. 8. Repeal the law of the 7th of April, 1852, which declares free the navigation of the rivers any merchant steam vessels.
 Give in Bogota, 23d of May, 1856.

JOSÉ MARIA ORTEGA,
President of Senate.
 I. ANTONI PARDO,
President of Representatives.
 M. M. MEDINA,
Secretary of Senate.
 MANUEL POMBO,
Secretary of Representatives.

BOGOTA, May 24, 1865.

Execute and publish it.

M. M. MALLARINO,
Vice President of the Republic in charge of the Executive Power.
 LUCIANO JARAMILLO,
Secretary of the Government.

[Translation.]

Law in addition to that of the 24th of May, 1856, on navigation

The congress of the United States of Colombia decrees :

ARTICLE 1. The States being prohibited by the third paragraph of the 8th article of the constitution from restricting, by imposts or in any other way, the navigation of the rivers or other navigable waters which have not required canalization, and it being moreover the exclusive attribute of the general government, by the sixth paragraph of the 17th article of the constitution, the navigation of the rivers which wash the territory of more than one State, or that pass on to a bordering nation, the governments, functionaries or employes of the States are prohibited—

First, to impose imposts or contributions of any description on the vessels, passengers, or merchandise, with the exception of the latter when it is offered for consumption in the localities destined for that purpose.

Second, to subject to formalities of any description the loading or unloading of the vessels, their voyages or stations, so that these operations may be conducted with the utmost freedom, and without restriction or detention of any kind.

Third, to subject to formalities or obligations the passengers and crew of vessels.

ART 2. The functionaries or employes of the State who contravene the dispositions of this law will be personally responsible for the damages and prejudices occasioned by their acts.

Given at Bogota, 19th of May, 1864.

ANTONIO FERRO,
President of Senate.
 JOSÉ M. SAMPER,
President of Representatives.
 C. BENEDETI,
Secretary of Senate.
 ALEJANDRO CORDOVA,
Secretary of Representatives.

BOGOTA, May 25, 1864.

Publish and execute it.

M. MURILLO.
 ANTONIO DEL REAL,
Secretary of Finance and Improvement.

Mr. Burton to Mr. Seward.

No. 217.]

LEGATION OF THE UNITED STATES,
 Bogota, February 6, 1866.

SIR: The Colombian congress commenced its annual session on the 1st instant. On the 3d General Mosquera was declared elected President of the republic for the term to commence on the 1st of April next, when he will be inducted into that office for the fifth time. He will arrive here from Europe about the 1st of

March. It is not expected that the congress will enter on any important business before his inauguration, although the country is much in need of legislative action. The congress is composed almost entirely of the Mosquerista branch of the liberal party, and the members are understood to be well disposed towards our country.

The message of President Murillo, a copy and translation of which I enclose—see also “*Diario Oficial*,” No. 551—will be found a statesmanlike paper, and is generally satisfactory. It is not to be disguised, however, that it pictures the condition and prospects of the country as he would wish them, rather than as they actually are. Taken literally, it is calculated to make a too favorable impression abroad. The chronic evils and wants of the nation are either passed by or barely alluded to, while the better side of the picture is, perhaps, a little hopeful.

A remarkable feature of the message is the just views taken of the rights of foreigners in Colombia. Should this policy be adopted by the congress, and respected by the States, it cannot fail to bring salutary results to the country. A large portion of the burden under which the latter labors in the form of public debt has arisen from the oppression of foreigners by unequal taxation and the seizure of their property. The message in this respect is in advance of its predecessors. It is scarcely to be hoped that the congress will adopt this enlightened policy, although it has taken it into consideration with some favorable indications, nor if adopted is it probable the states would observe it. As I have frequently said before, these unjust practices of the States in the time of peace, and of all in time of war, have been so long in use as to have become fixed habits with the natives, and their eradication difficult. I believe it not too much to say that the note which I was ordered to address this government remonstrating against the law of April 19, 1865, attached to my No. 204, had much influence in bringing about this desirable announcement by the executive.

The part of the message which relates to the isthmus may be regarded as highly important to our government, and in my judgment demands prompt and attentive consideration. This people, morbidly sensitive and jealous in all that may affect its dignity or sovereignty, is especially so with respect to that section of its territory. The proceedings of Acting Rear-Admiral Pearson, Commander MacDiarmid, General French, and Consul Rice, as they have been reported, and of which I gave some account in my Nos. 198, 211, and 212, have produced a feeling here which is to be regretted. This feeling does not extend to our government, but is confined to the alleged conduct of these officers. It is due to them to say that no definite or authentic information has reached me justifying the complaints made against them. The evidence in support of the charges which I have seen has appeared to me partial, and too incomplete to justify any decisive action until after further inquiry into the facts.

Our relations with the isthmus, arising out of the 35th article of the treaty of 1846, are the object of jealousy and envy on the part of Great Britain and France. As anticipated in my No. 192, explanations have been asked by her Majesty's chargé d'affaires as to the conditions under which British troops can be allowed to cross the isthmus. This move was probably intended to call out the result of General Sickles's mission, about which the Colombian government has maintained entire secrecy. The government has experienced some embarrassment on the subject, but its answer, contained in the foreign secretary's report, pages 105 and 106, herewith enclosed, will, I believe, be found satisfactory to our government. I feel fully justified in the opinion that both these powers would be gratified to see an end put to this article of the treaty, while neither is perhaps willing to enter into a similar one. It is not likely that Colombia will decide to give the stipulated notice for its termination. In connection with this subject I beg to refer to my No. 143, of January 16, 1865.

The concession recently made to an English company for the construction

of a canal across the isthmus is an important measure. (See report of the secretary of Hacienda i Fomento, pages 64 and 114, hereto annexed.) I happened to know that an English company was preferred to others, for the reason that any danger of an undue preponderance of our influence on the isthmus will be thereby guarded against. I doubt the real purpose of the grant, and suspect that it will turn out a bubble. Mr. Daniel H. Teller, of New York city, has an agent here seeking a like privilege by a different route, but it is not likely that he will succeed.

British influence has been potent in this nation from its origin. Should that far-seeing people undertake the construction of this canal in good faith, and a diminution of our treaty rights be brought about, serious inconveniences might result to us. A formidable agency to this end is British capital. Substantially the whole of the Colombian foreign debt is held by British subjects, who have pledged as security $37\frac{1}{2}$ per cent. of the custom-house receipts, which little more than pays the interest. This indebtedness has been considerably increased within the last five years, and there is a fair prospect that it will soon be greatly augmented by new loans and investments under the protection of the British government for projected roads, &c., which the wants of the country do not require, and which cannot redound to its interest. While it is not to be doubted that Colombian sympathy for the United States is strong, this control of her resources by Great Britain has heretofore been, and will long continue to be, a power difficult to combat. The wisest and most anxious Colombian statesman is unable to see where this power is to end; for the reduction of the public debt, or even a check to its increase, it is to be feared, is beyond the reach of the present or probable future capacity of the country. The want of administrative ability, integrity, and patriotism is calculated to inspire gloomy doubts of the final solution of the financial problem, without grave evils to the country.

In my No. 47 I reported a conversation held with an eminent politician of this country in relation to a projected separation of the State of Panama from the republic. This idea still exists with the people of that State. The federal government is not without fears of its ability to hold this part of its territory in subjection, and contributes \$50,000 a year, nominally to aid in sustaining the local government, but really to attach the inhabitants to the confederation. The latter have an idea that once free from the interior, for which they have a strong aversion, and under the protection of a strong power, they would own the national interest in the railroad, establish custom-houses, and thus enjoy an abundance which they are not inclined to acquire by industrial pursuits. Were the guarantee of our treaty abrogated, and the Pacific road completed, it is hardly to be expected that Great Britain or France would look with disfavor on such an enterprise, which if opportunely undertaken, the chances would be largely in favor of its successful accomplishment.

These considerations, though in part speculative, have seemed to me not entirely unworthy of attention, taken in connection with the helplessness of Colombian finances. In illustration of the want of financial sagacity, and the depressed condition of the revenues, I refer to the report of the secretary of Hacienda i Fomento, herewith enclosed, pages 51-53. Injudicious as the operation there explained may appear, this government would repeat it to-day for a much larger amount. It has indeed had an agent in London for nearly a year, seeking loans for like purposes, which, if obtained, would amount to not less than ten millions of dollars. He has succeeded in part, as will be seen by the appendix to this report.

I beg to call attention to the accompanying report of the foreign secretary. The parts marked with the numbers of my despatches treating on the same subjects give a tolerably accurate statement of their present state. This document, as well as the report of the secretary of Hacienda i Fomento, contains some

interesting information concerning the country, of which I will say more in a subsequent number, No. 219.

Despatch from the department No. 134, of November 9th, 1865, was received on the 5th ultimo.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

MESSAGE OF THE PRESIDENT OF THE UNITED STATES OF COLOMBIA TO THE CONGRESS
OF 1866.

Citizens, Senators, and Representatives :

The punctual meeting of congress this year in the midst of perfect peace fills my highest aspirations. Although still strong between the combatants the hatreds generated by a prolonged war, I found the Union entering on peace at taking charge of the executive power, and it has been my highest aim to surrender it to my successor in the same condition. This situation is, moreover, made secure by the demoralization of the party which might desire to oppose it, by the recognition which all have had to yield to the existing government, and by the palpable advantages of the liberal and tolerant policy which springs from the existing constitution. I therefore greet you with the greatest pleasure and congratulate you on your being able to betake yourselves to the labor of perfecting the present political regimen and providing for all the necessities of the Union in perfect calmness, without any apprehensions for the permanence of the work of Rio Negro (the national constitution) or the liberty and independence of our people.

The existing system of policy answers to the two great exigencies of progress—the union of forces in order to meet those difficulties against which local and individual action would be impotent, and that of dispersion, whereby the mission of multiplying and increasing on our immense territory is fulfilled and its soil submitted to our industry. While free scope is allowed to individual activity in all its phases, indispensable to moral and material progress, our system has resisted victoriously the efforts of the last representatives of interests which the regeneration has annihilated. That liberty eide contest, too well known to you, and the particulars of which are given you in the reports of the secretaries of war and of government, does not deserve notice in this paper, except in the confirmation of the assertion that our institutions, although apparently weak, carry within themselves in their fulfilment all the force necessary to their preservation, because they make the stability of the government the interest of all, and all for this reason come to its support in the day of danger. Thus is explained why a conspiracy very wide spread, secretly fed by the rancors of the conquered party to the last civil war, and by the great interests compromised in the transcendental measure of the desamortizing of *mortmain* property, did not succeed in misleading a single population of any importance into the strife; and on the contrary, beaten at its outbreak, and afterwards disconcerted and humiliated, that conspiracy may have consolidated what it undertook to destroy, and has ended, in my opinion, in an episode as mistaken as criminal—the history of a party whose existence was natural, and, perhaps, necessary, during one period of our social life, but which in the changes through which we are passing has to disappear, as have passed away the selfish interests which protected and sustained it.

This result, which will be so notable in our history, leaves the legislator to more elevated reflections than if the old parties might again soon appear to renew the combat. Setting out with this fact in view, and with the conviction that our institutions, although they may seem in the beginning to produce bitter fruits only, are fundamentally good—and the only ones the country wishes and desires to preserve—the labors of congress must and ought to be confined to perfecting and upholding them.

In some of the States, also, armed uprisings have occurred, which, without affecting directly the federal order, may have impugned the efficacy of our institutions by endangering their ascendancy. But an attentive consideration of these events will show that they are the exclusive result of the demoralization incident to the constant appeal to force with which we have been corrupted by the strifes of the two great parties, and chiefly from ignorance of the system itself. The recent establishment of the system, and its having been combated in advance, have not permitted its cardinal bases to be so generally understood as it is to be desired, nor the formation of habits consequent on it. The political education of a people is not to be accomplished within a year or two, nor is it reasonably to be expected that the most enlightened legislative body in the world can enact in a single year an entire political system, which in its execution which will not encounter difficulties apparently irresistible at first, or

exempt from defects and omissions which the hand of the legislator will have to correct and supply.

Followed with perseverance and free from prejudice, applying ourselves to developing and perfecting it with confidence in the philosophic elements which it contains, it will be found, within a very short time, perfectly adequate to our present social condition. The preservation of peace at home and abroad will be sufficient to enable us to grow as a people, and to develop our forces on a surprising scale, without the necessity of modifying, in anywise, our fundamental institutions.

Our foreign relations have been maintained during the past year, and continue on the best possible footing for a people that neither pretends to exercise influence on the destinies of others, nor asks more than to be respected in its own way of existence, and in the equity of its commercial transactions. The governments of Europe with which we maintain frequent intercourse deport themselves in this respect with our country in a satisfactory manner. The essential parts of all the correspondence held by the appropriate department with the legations, relate chiefly to the protection of transient or resident foreigners, who have suffered some detriment in their persons or property.

The governments of advanced countries, whose administrations have reached almost all the perfection attainable, which have at their command easy and quick communications and agents, profoundly versed in their duties, with various other means of prompt and fit action, cannot be made to comprehend the difficulties which impede or annul official action among us. These difficulties are principally those consequent to a society of recent formation, with an immense territory, without ways of communication, and in which war has notably retarded the regular organization of the public power. Ignoring or forgetting so cardinal a difference of situations, those governments are severely exigent for the security of their subjects. Yet, on the other hand, it must be admitted that the habits of violence and the imperfect administration of justice, organic or occasional, and in not a few cases the indolence of the local political authorities, furnished just causes of complaint and reparation, which the federal government cannot less than recognize and accept the responsibility. Happily, in those which have been the subject of recent discussion, an equitable adjustment has been facilitated, by the rectitude of purpose and desire of conciliation manifested in their proceedings by the diplomatic agents accredited by those governments.

The declaration contained in the law passed by the last congress, that "the nation is not liable for the damages and injuries sustained by foreigners in time, or on account of war, but in such case they shall have the same rights and remedies as natives," has not, as was easily to be foreseen, received the acquiescence of the European governments nor of that of the United States of America, which, far from adhering to it, have protested against the law, declaring that in all cases that may arise they will insist on all their rights. The principle, however justifiable it may be, not receiving the consent of the civilized powers in a condition to give to their protests the sanction of force, and adopting opposite principles, the nation has to submit to the consequences of that sanction.

Besides, to enable us to insist on the declaration of this law, it would be necessary for us to give entire reality to the hypothesis, that when a people asks to be inscribed on the list of nations it is because it has complete capacity to organize its public administration, and above all that of justice, in such a manner as to give the greatest security possible to the property and persons of those who may come within its jurisdiction; because it cannot be pretended that foreigners will come to participate in the insecurity and violences so frequent in the ferocious civil wars endemic in our present social state. A contrary cause will draw after it better consequences, instead of reducing the foreigner to the insecure and humiliating condition of those who live at the mercy of the first revolutionist who may present himself, as still is the case with natives. It is more becoming us to learn from the scrupulous respect we owe to the person and property of the stranger, according to the general notions of public right, the respect due to our fellow-citizens, and thus give to our society the respectable character to which it aspires.

Although the crime of the 14th of April, 1865, in Washington, snatched from us, in the virtuous Abraham Lincoln, a true and kind friend to our people, the American government has continued to treat us with great deference and sympathy. The guarantee of sovereignty and neutrality which it promised us by the treaty of 1846, in exchange for the privilege of passing troops across the isthmus, has truly given rise to serious difficulties, because not all the agents of that government in the ports of the isthmus, and on the isthmus itself, possess the intelligence and morality, which the use of this concession implies. Grave wrongs have been committed by a soldier and the commander of a war vessel, and by the military in transit over the isthmus, for which I have not the least doubt that the American government will give us due satisfaction, and adopt for the future the proper precautions to avoid their repetition.

This treaty, which guarantees the neutrality and property of the isthmus, and concedes its free transit to the American government, will expire in 1868, should either party so notify the other one year before the expiration of the time signified. It is fit that you should discuss whether or not it will be convenient to continue that guarantee, with the consequences that may attend it, at a period more or less distant.

The exactions of money which have been made of some American citizens in the State of

Bolivar, in virtue of a defective constitution, have given place to renewed reclamations by the American legation, to which it has not been practicable to answer satisfactorily with the indication alone of the constitutionality of the tax laws of that State.

Taxes may be objectionable for another class of reasons, such as accidental or political causes which may determine their extraordinary augmentation, and on account of the agents and the manner of their assessment and collection. But foreigners having no connection with these political causes, and from their condition exercising no influence on the government which appoints those agents and prescribes those terms, it is not just to impose these burdens on them, for the causes of which they are in no sense responsible.

For the want of diplomatic agents, and besides of speedy and secure communication between this capital and that of Venezuela, the questions arising out of the common navigation of the Zulia and the commerce between the two countries, our relations with the government of the United States of Venezuela were suddenly made to appear in an unfavorable light. But the sending of a consul general to Caracas, and the arrival in this capital of a legation of the first rank, entrusted to a subject full of good will towards our country, with some explanations and corrections, the precious perfect cordiality was re-established; so that it may be asserted with the greatest confidence that the questions pending between the two governments will receive an early and satisfactory solution.

The navigation of the Zulia continues with regularity, and the friendship and commerce between the two peoples is restored on the most liberal bases and the most fraternal aspirations.

The relations we preserve with Ecuador are found in a like state. Its government has shown itself animated by very friendly sentiments, solicitous to give explanations and satisfaction in the cases in which they have been demanded, and disposed to cultivate, upon a footing of reciprocal respect and equity, friendship and commerce between the two peoples.

The treaty celebrated with Costa Rica during the past year, in accordance with the instructions of the senate of plenipotentiaries, and the approval of which remained pending in the house of representatives after receiving that of the senate, is an act of the most transcendent importance, which you will permit me to recommend to your enlightened consideration. We code, it is true, a portion of our territory by no means insignificant, but aside from the facts that it is unpopulated, and that we will not populate it for many years, it is useless to us; and by giving it in exchange for industrial and political concessions of great value, that laborious and moral people comes to fraternize entirely with us by a political assimilation of very considerable advantages for the future. By carrying into effect the stipulations of that treaty, Costa Rica, without losing any of her independence or freedom, would be almost as one of the members of our Union, with evident advantages for both.

A grave conflict has arisen between Chili and Spain, alarming all the peoples of Spanish origin, principally by reason of the extraordinary proceedings on the part of Spanish agents. The peoples who have not at their command great resources for war have cause of alarm when they see those who consider themselves stronger disregard the wholesome usages of diplomacy and deliver to the decision of the sword causes which in no wise affect great interests. In such cases all ought to protest energetically against such proceedings.

The non-recognition by Spain of the right which the peoples once her colonies on this continent have had, and still have, to an independent existence, and the obstinate war she made on them for more than fourteen years, from a spirit of domination, with bloody executions, left, as was natural, obstinate distrusts and hatreds, which cannot be combated now by any arrogant policy based on a preponderant squadron; and while she persists in it, America will witness complications which will produce only evils of every kind, as well to the aggrieved as the aggressors. It is the duty of every one of these governments to not lose sight of these events, and to be prepared for the time when they may knock at their doors, if the honesty of their policy shall not secure their withdrawal. It pertains to you to mark out for the executive power the line of conduct it is to follow in anticipation of such events.

With the government of the United Mexican States, as well as with the other republics of this continent, our relations are preserved in the same state as heretofore.

The exacerbation of mind proceeding from the practice of the constitutional doctrine by which religious belief and worship are placed without the jurisdiction of the government so long as they do not interrupt the public peace, has gone on losing its vehemence and gravity from day to day, and that essential basis of our Union is entering into the customs and producing the best results. The catholic clergy display their activity in their proper sphere of action; they write, preach, have educational establishments, administer the curacies and ecclesiastic benefits, but cannot intervene in the political or civil affairs of the people, and are sustained by the voluntary contributions of the believers.

The desamortization (unfettering) of what is called *mortmain* property, and the redemption of annuities on the treasury in favor of religious and charitable bodies, has been actively prosecuted, with the best results. These important measures have fared like all others which, through ignorance or prejudice, are rejected or condemned in the beginning. Their orderly execution, making palpable their advantages, has gone on giving them greater support in opinion, and will end in their irrevocable and general acceptance. Up to this time the sales of real estate amount to more than \$5,000,000, and more than \$2,000,000 applied to the redemption of annuities, in which latter operation more than \$2,440,000 of the floating debt and \$483,530 of the consolidated debt have been paid; and as the emission of floating bonds has

not yet reached \$7,000,000, still when they shall amount to \$8,000,000, it is more than probable the total amount will be paid from sales and redemption yet to be made.

If these important economic operations are followed by a peace made sure by the genuine practice of our institutions, and by a methodical perseverance in opening and improving cheap ways of communication and traffic, industry may be raised from its present prostration, and soon after abundant fruits to the general well being and to the income of the revenue.

The latter produced in the year 1864-5, according to the data collected up to now, the sum of \$2,555,573, and as the estimated sum in the appropriation bill was \$2,225,000, the result is an excess of \$330,573, obtained by the favor of peace and sustained regularity in the collection and management of the revenues. The increase of the revenue of the custom-house of more than 40 per cent. over the product of the preceding year, and of more than \$500,000 above the amount fixed in the appropriation bill, is remarkable, as will be seen thus:

Products.....	\$1,337,946,881
Amount fixed in the appropriation bill	800,000,000
Difference.....	537,946.881

And nevertheless, circumstances never were more unfavorable to this branch of revenue, because war had paralyzed labor, ruined entire regions of the country, demoralized commerce, and deeply wounded all branches of industry, while the articles of most general consumption were at a high price, owing to the scarcity of cotton, and which was also the first year of the most moderate tariff we have had.

This fact, a new stimulus for the preservation of peace, demonstrates, moreover, that by persisting in a system of economy and severity in the service, the custom-houses may soon yield us \$2,000,000, and with the income from the salt works, also increasing, we can easily balance our incomes and expenses.

The foreign creditors holding the old debt of Colombia received near \$100,000 over the limits fixed to their demands by the convention adjusting them, and even more than they calculated to receive from the 1st January, 1867, forward.

The loan of a million of dollars, contracted to aid in opening the Buenaventura road, is religiously met, by paying the interest and gradually the principal.

But for the conspiracy of October last, and the unjustifiable conduct of the President of Magdalena in using for the expenses of a war purely local more than \$70,000 of the proceeds of the custom-house at Santa Marta, at a time when those funds were more needed by the government of the Union, the situation of the treasury would now be notably more favorable.

The estimated revenues made approximately by the income of last year is \$2,350,000, a sum with which may well be met the indispensable expenses of the service for the current year, as will appear from a draught of an act which will be presented to the house of representatives. The expenditures have been reduced more than \$500,000, resulting in a great part from advantageous contracts for the manufacture of salt and from some other measures regulating the revenue system.

To the extent of the federal authority and so far as the resources of the treasury would permit, I have labored to encourage the opening and improvement of ways of communication. Various engineers have traversed our territory with this object. The establishment of a telegraph between the capital and various points on the Magdalena river, and the capital of the state of Antioquia, is in a great measure realized. Two corps of hydraulic engineers are occupied in exploring the whole course of the river Magdalena, in order to determine the works necessary to secure its navigation by steam, from its mouth on the Atlantic to the highest passable point towards its source, so that no obstacle to its navigation may be found at any season of the year. The arrival of these officers, who are among the most distinguished of the corps of engineers of the United States of America, is due, in a great part, to the kind solicitude of the Secretary of State, Mr. Seward, an enlightened friend of our country.

By virtue of legal authority, after discussing and comparing divers projects, and without losing sight of the advantages and political dangers that may arise, I agreed to the grant of a privilege for the construction of an interoceanic canal across the isthmus of Darien. Any commentary or calculation touching the benefits which such a work would bring to the nation and to the world would be inadequate and foreign to this paper. I am satisfied that the simple announcement that the work is to be undertaken will be gratifying in a high degree to your patriotism.

With the deplorable exceptions of the officers of the battalion "Tiradores," which composed the garrison of Panama, and a major with fourteen of the soldiers under his orders, were wanting in their duties by disobeying their chiefs in order to mix themselves with armed force in the local administration of the sovereign State of Panama, the rest of the Colombian guard has observed an exemplary conduct, being obedient in all respects to the government and respectful to the rights and liberties of their fellow-citizens. It had been reduced to less than eight hundred men, until the breaking out of the conspiracy in October made an increase of the public force necessary, which I have not believed I ought to reduce, as the end of my administration is near and my successor may judge the present force indispensable.

The accompanying reports of the secretaries of the departments give ample details of the

matters to which I have briefly alluded. By their study it will be seen that if the present situation does not offer much that can satisfy the ardent desires of the patriot, it certainly awakens great hopes of entering on the fruitful career of labor. In order to develop its productive forces, nothing more is necessary than peace, a perfect administration of justice, and ways of communication.

War, and the animosities which attend and outlive it, distort and prevent the ideas of liberty and justice; and for this reason, my administration, constantly guided by the spirit of liberty and tolerance dictated by the Rio Negro constitution has appeared to many weak and even complacent towards the reputed enemies of the existing order of things. I trust that the authorized representatives of the Union, on a careful examination of my conduct through the term now about to expire, will find it strictly in accordance with the requirements of duty. I have held myself independent of every selfish, personal, or party influence, severely impartial in recognizing the right, solicitous in preserving the general order and in securing local and individual liberty, and I have not permitted the sacrifice of any social principle or interest confided to my loyalty and patriotism.

MANUEL MURILLO.

BOGOTA, February 1, 1866.

Mr. Burton to Mr. Seward.

No. 218.]

LEGATION OF THE UNITED STATES,

Bogota, February 7, 1866.

SIR: Until the receipt on to day of your despatch No. 135, dated December 20, 1865, I was not aware of my omission to send to the department a copy of my note in answer to that of the foreign secretary of October 16, 1865, complaining of Acting Rear-Admiral Parson's proceedings at Panama, on September 4, 1865. I now hasten to enclose it, marked A.

I am deeply sensible of the honor implied in the determination of the department to await my further views on this matter before giving instructions to direct my action concerning it. I will venture to comply with the delicate duty imposed by stating that after carefully considering the Acting Rear-Admiral's note to the President of Panama I have not been able to discover anything in its substance in conflict with a fair interpretation of the 35th article of our treaty. It would perhaps have been more politic had he confined his note to the explanation given of the circumstances which led to his attending the funeral of Consul McKee without asking permission. This ought to have satisfied the President, whose own behavior was by no means attentive or decorous. It appears to me, therefore, that the government of the United States might, with good effect and without compromising any substantive right, express to Colombia its regrets that any misunderstanding as to their respective rights and duties should have arisen between the subordinate agents of the two governments, attributable, doubtless, to anomalous circumstances, and unpremeditated, and that, to avoid the possibility of like painful occurrences in future, orders had been given to the United States naval officers on both sides of the isthmus to carefully abstain from landing marines or troops on its territory without the consent of the Colombian government, first obtained from its agent at Panama or Aspinwall, except for the purpose of transit, or in case of the obstruction of the railroad, or of extraordinary violence to American citizens, from which they shall be in imminent danger of suffering great harm, and provided there shall be no other available means of shielding them from impending peril; which orders to be also communicated to the United States consuls at the termini of the road for their guidance. Some mark of respect to the President of Panama, purely ceremonial, and which would not imply the admission of intentional wrong on the part of Rear-Admiral Pearson, might be judicious. I venture to add that in my opinion discussion of the points taken in the secretary's note had as well be avoided at present, without admitting them.

From various informal conversations held with the foreign secretary, I feel quite sure that the Colombian government does not expect more than this, and

I believe less. At any rate, I hesitate not to say that it would be well received, and go far towards allaying any jealousy or irritation that may have grown out of the occurrences mentioned in my Nos. 198, 211, and 212. We ought, perhaps, without making it a precedent, to pay Mr. Heady the damages done him by our soldiers. As to his case and the killing of George Holmes, I shall await the directions of the department. I beg to suggest that, owing to my great distance from the isthmus, the department institute direct inquiries into these cases.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A

Mr. Burton to Señor Perez.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, November 20, 1865

The undersigned, minister resident of the United States of America, had the honor to receive on the day of its date, the communication which his excellency Señor Santiago Perez, secretary of the interior and foreign relations of the United States of Colombia, was pleased to address him under date of October 26, 1865, accompanied by copies of a correspondence held in September last between Acting Rear-Admiral G. F. Pearson, commanding the United States squadron in the Pacific ocean, and the executive of the State of Panama, and in which communication his excellency has been pleased also to present his views as to the reciprocal rights and obligations of the two republics arising out of the 35th article of the treaty concluded between them on December 12, 1846.

Although the undersigned has, from protracted indisposition, until now been denied the honor of acknowledging the receipt of his excellency's communication, he nevertheless did not delay to place the same before his government for its orders, which he awaits, and expects soon to receive. The importance of the views announced by his excellency rendered, in the judgment of the undersigned, this course eminently proper if not indispensable, and which was the more admissible, inasmuch as no inconvenience could result from the delay necessary to this end, Acting Rear-Admiral Pearson then having already submitted his action to his government, and must have received its directions at the date of his excellency's communication, or very soon thereafter.

Notwithstanding the apprehensions deducible, perhaps, from a strict interpretation of the earnestness of his excellency, the undersigned hopes—indeed he is sure—that it would be an act of supererogation on his part to combat for a moment the possibility, even, that the United States of America could under any circumstances be wanting in the legal justice and friendly respect to be expected from the intimate community of interests and the fraternal good understanding happily existing between the two republics.

The undersigned avails himself of this opportunity to offer to his excellency Señor Perez renewed assurances of his very distinguished consideration.

ALLAN A. BURTON.

His Excellency Señor SANTIAGO PEREZ,

Secretary of the Interior and Foreign Affairs, &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 219.]

LEGATION OF THE UNITED STATES,

Bogota, February 14, 1866.

SIR: The late census of this republic shows some curious results, and considered in connection with previous ones, affords some data on the march of population and society which may not be without interest.

As a correct census cannot be taken in this country, the annexed table A must contain many inaccuracies. It is to be regarded only as approximately exact. A full census, including uncivilized Indians, say 120,000, would undoubtedly give the nation a small fraction over three millions of inhabitants.

The accompanying report of the secretary of the treasury, marked C, contains very interesting matter relating to that department of the government. In paper B, I have made some general notes on the present state of the country.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—The articles "New Granada," in the American Encyclopedia and Colton's Atlas, often resorted to for information concerning this country, are much exaggerated and unreliable.

ALLAN A. BURTON.

A.

Table.

State.	POPULATION.		Increase per cent.	POPULATION	Increase per cent.
	1843.	1851.		1864.	
Antioquia.....	178, 111	223, 637	28½	303, 325	32½
Bolivar.....	158, 219	166, 685	5½	225, 337	35½
Boyaca.....		379, 682			
Cauca.....	268, 615	322, 585	20½	386, 208	19½
Cundinamarca.....	281, 189	321, 139	10½	424, 549	32½
Magdalena.....	67, 411	72, 986	8½		
Panama.....	111, 821	129, 870	16½	221, 499	70½
Santander.....	302, 511	359, 901	18½	378, 205	4½
*Tolima.....				220, 645	

* Tolima is a new State, created in 1861. Its territory was taken from Cundinamarca, for which change in the latter State the proper allowance has been made in the above calculation.

N. B.—The above table is compiled from the census of 1843, 1851, and 1864. It is only approximately correct, as it is scarcely possible to obtain an accurate census. Including uncivilized Indians, say 120,000, the republic contains undoubtedly a small fraction over three millions of souls.

NOTES ON THE CENSUS OF THE UNITED STATES OF COLOMBIA.

A considerable part of the country is low, hot, and inhabited by the negro race; the remainder high, temperate or cold, and inhabited by Indians, whites, and Mestizoes.*

The States of Boyaca, Cundinamarca, Santander, and Tolima are composed mainly of the colder regions; bulk of their populations, Mestizoes and Indians, the former predominating. There are few pure whites or negroes. In these four States, Cundinamarca excepted, the percentage of increase since 1843 is comparatively low.

CUNDINAMARCA.—The increase in this state is more apparent than real. In 1843 and 1851 revolutions were in progress in the capital and surroundings, and the soldiery always being conscripted from the lower order of people, a large number of these were hidden away in the mountains, and not included in the census for either year, but included in that of 1864. The nominal increase from this cause is supposed to amount to many thousands. The same cause affects favorably the census of 1864 in all the States, Panama less than any other.

* *White*.—Less than a fourth negro or Indian blood.

Indian.—Less than a fourth white or negro blood.

Negro.—Less than a fourth white or Indian blood.

Mestizo.—White and Indian—not less than a fourth of either.

Mulatto.—White and negro—not less than a fourth of either.

Zambo.—In Colombia, negro and Indian—not less than a fourth of either.

Pure.—No mixture.

The races are so confusedly mixed that an accurate classification is impossible.

TOLIMA.—In all respects like Cundinamarca, from which its territory was taken and erected into a State in 1861; the same observations are applicable to both.

BOYACA.—The population numbered 379,682 in 1851. It has probably increased but little since. The Mestizo element is strong.

SANTANDER.—Next after Antioquia, this State has the most industrious and comfortable population. Its climate is the same as that of Boyaca, a little colder than Cundinamarca. Both are healthful. The Mestizo element is strong. Marriage is more general than in most other States. The percentage of increase is the lowest in the republic, except perhaps Magdalena.

ANTIOQUIA.—The territory is about equally divided into temperate mountains or high tables and hot valleys. The latter are inhabited by negroes; the former by pure whites, the descendants of Jews expelled from Spain. These have lost their language and their religion, and are the most fanatic Roman Catholics in the nation. They are physically, mentally, and morally a superior people. Like their forefathers, they are addicted to commerce and its kindred pursuits; noted for their energy, enterprise, and integrity, and are known as the "Yankees" of Colombia. The negroes of this State are in all respects superior to those of any other part of the republic. They are fine in person, laborious, and moral. Marriage is nearly as general as in the United States; the increase has not been quite so rapid as in the coast or negro States, but is regular, and in keeping with the moral and material progress of the State. This is truly a green spot in Colombia.

CAUCA.—The valleys of the Cauca and Atrato and Pacific slope are hot and peopled by negroes. There is a slight predominance of this race in the State, not including the wild Indians of the southernmost province of Pasto. The colder and temperate regions contain a few whites. The rest of the population is Mestizo and Indian. The rational increase in this State is, in fact, greater than the census of 1864 indicates. This inaccuracy results from the abolition of slavery. A system of gradual emancipation was adopted by Colombia in 1821. At the end of the following thirty years, the number of slaves was not diminished. It was in fact increased in the valley of the Cauca and the mining districts of Choco. This was owing to the defectiveness of the system and the want of inclination or ability in the government to enforce it. On the unconditional abolition of slavery in 1851 vast numbers of the slaves in this State were run off into Peru and other slaveholding countries, which accounts for the comparatively low percentage of increase.

Magdalena.—**Bolivar.**—**Panama.**—The negro element has nearly absorbed all others in these States. There is a considerable infusion of Indian blood. The white is barely perceptible, marriage is less common in these than in the other States, and the increase in Panama and Bolivar is tremendous. In Panama, this is attributable in some degree to the opening of the railroad, but the increase is owing in the main to the fact that the population is almost exclusively negro. A full census would show nearly the same result in Bolivar. The census of 1864 was taken during revolutionary disturbances in this State, and is consequently imperfect. The climate of Magdalena is extremely unhealthy, which accounts for its small increase. It never can be densely populated.

The negroes from these States are different from all others, except those in the valley of the Atrato and on the Pacific slope. Physically and mentally, they are nearly average specimens of the race in the tropics; but they are lazy, improvident, and degraded; due, perhaps, to the lingering effects of slavery, the little effort required to obtain a subsistence, absence of enterprise and industry in these States, and the want of teaching and salutary example.

The national march of population has not affected immigration or the outgoing of natives.

A considerable of the colder or temperate States is hot valley, and populated chiefly by negroes. A disproportionate percentage of their increase comes from this element.

The characteristics of the different castes, so to speak, are:

The whites are genuine representatives of Spaniards generally; grave, proud, indolent, improvident, revengeful, cruel, temperate, fanatically religious, averse to all kinds of labor, and resort to any other means of living in preference; passionately addicted to gambling, lying, and fraud. They are generally small shop-keepers, priests, and officials, &c. They are comparatively few in number, forming, perhaps, less than a sixth of the population. With the mulattoes they can still lead in politics, but their influence is gradually passing away.

The Indian is different in most respects from the North American Indian. Is low and stout, laborious, patient, gentle, even torpid, stupid, and submissive, more susceptible to a low degree of civilization than the latter, but physically and mentally much inferior; strong domestic attachments; not addicted to drunkenness; superstitious, confiding, and fanatic.

The negro is physically the superior race, the whites of Antioquia excepted; not so active as the mulatto, but constant and persevering, aspires to competency, independent, good integrity, laborious, brave; the best soldier and officer; slow to yield his confidence, strong domestic attachments, fond of drink, fanatic, long-lived.

The mestizo is weak, effeminate, timid, frivolous, cunning, inconstant, insincere, fraudulent, given to lying and thieving, without enterprise, weak domestic attachments, not intemperate, averse to manual labor, not long-lived.

The mulatto is proud, luxurious, romantic, fond of novelty, show, and drink, boastful,

brave, reckless, fond of war, improvident, suspicious, acute, less religious than others, a remarkable aptitude for letters, not much inclined to labor, thievish, aspires to office, and to lead in politics and revolutions, and is tyrannical; he is short-lived.

The Zambo negro and Indian in Colombia is weaker, has less energy, and is shorter lived than the negro or Indian. Fickle, lazy, improvident, averse to labor, inclined to drink, intensely fanatic. Many of these are friars and nuns.

These observations are general, of course; there is no standard of comparison in the United States applicable to Colombia.

All kinds of labor, and especially agriculture, are performed in the cold and temperate regions almost entirely by Indians and those in whom the Indian blood predominates; and in the hot regions by negroes.

Commerce, particularly foreign, is chiefly in the hands of foreigners; so of the arts and trades.

Many mulattoes hold office, also a few negroes and Indians. The present supreme court is composed of two members in which white blood is in the ascendent; one mestizo about half and half; one three-fourths negro, and one pure Indian. The other officers of the government are generally mixed. A late attorney general was a pure negro. The present, as all other congresses, is an indefinite mixture, with a few pure whites.

A pure negro is something lower in the social scale than any other class, except the pure Indian. Politically there is no distinction, and not much practically; only that the uneducated, laboring Indian is virtually a peon or a slave.

Where marriage is least general the increase is greatest. The census does not show the proportion of illegitimate births. It must be high.

Comparing the census of 1864 with the previous ones, the result is, the white race is decreasing, the mulatto and Zambo increase is slow, that of the mestizo is a little in advance of the latter two. The negro increases more rapidly than any, according to this showing, the present march of population will virtually Africanize the republic, even the State of Antioquia, within about ninety years. How far immigration may interfere with this result cannot be conjectured. That influence in this respect has not yet been felt.

The census of 1864 completely destroys a favorite theory of Colombians, that a mixture of these races gives a product superior to the original elements.

The census contains no statistics on the industrial products of the country. These are small.

An interesting account of the foreign commerce will be in the report of the secretary of Hacienda i Fomento, pages 43 to 48, which accompanied my number 217.

For the last year the imports amounted to.....	\$8, 022, 250
And exports to.....	5, 042, 691
	2, 979, 559

A rather heavy balance against a country where nature presents to hand so many valuable productions for exportation and in inexhaustible abundance. The above balance is reduced by \$640,000 supposed exports through ports from which returns have not been received.

An interesting statement of the public debt will be found commencing on page 14 of the report of the secretary de Hacienda i Credito Nacional, and in the last table thereunto annexed. Said document contains much valuable information concerning the country. It is herewith enclosed, marked C.

The principal available revenues are import duties and rents of salt springs. The former amount to from \$800,000 to \$1,000,000; the latter to about \$700,000. There are some other items, but they are too uncertain to be relied on. The reliable income of the government in time of peace may be set down at a million and three quarters. This is not sufficient to pay the interest on the national debt and other national expenses. The national income is oftener a million and a half than the sum I have fixed above. An item of revenue, mortmain property, is pledged to redeem paper money issued during the late civil war, say eight millions, and will probably be sufficient. This sum has not yet been issued, but will be in winding up the expenses of that war.

The foreign debt amounted—

On September 1, 1864, to.....	\$35, 587, 000
The home debt.....	8, 376, 627
	43, 963, 627
The foreign debt on September 1, 1865, was.....	\$35, 318, 357
The home debt.....	6, 996, 180
	42, 314, 537
Reduction of the debt in 1864-'6.....	\$1, 647, 090

The reduction of the foreign debt by \$268,643 during the past year was produced by the extraordinary augmentation of the custom-house receipts and the receipts from the salt springs, a large percentage of which revenues the foreign creditors hold in pledge. This excess in receipts from these sources was to a great extent accidental and temporary.

The reduction of the home debt has been effected by the sale of mortmain property, which will be exhausted, as has been said, in redeeming the paper money issued to effect the revolution.

The indebtedness for forced loans made and private property taken during the revolution does not figure in this statement. It is estimated at from six to twelve millions. The amount has not yet been ascertained. The present indebtedness of the nation on all accounts is, therefore, about fifty millions.

Mr. Burton to Mr. Seward.

No. 221.]

LEGATION OF THE UNITED STATES,

Bogota, February 23, 1866.

SIR: Yesterday was observed in a most gratifying manner in this capital. It was substantially a repetition of the flattering demonstrations of February 22, 1865, except that the President did not send his bands to salute our flag, as he has done on like occasions for the last two years. The congress seemed to have taken notice of the omission, and spontaneously met it with the resolutions to be found in "Diario Oficial," No. 571. Both houses would have called in a body at the legation but for the objection of a few members of the lower house, who had a favorite project standing in the orders of the day for that day. Many of the members paid their respects after the adjournment. This action of the congress is to be regarded as a most expressive mark of respect for our country.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Mendoza to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA—LEGISLATIVE POWER OF THE UNION—PRESIDENCY OF THE SENATE OF PLENIPOTENTIARIES.

In to-day's session, the senate approved the following resolution:

"The senate admires the transcendent republican virtues of George Washington, the founder of the independence of the United States of America, and records this, the anniversary of his birth, as one of glorious memory."

In communicating this resolution to his excellency the minister resident of the United States of America, I have the honor to subscribe myself, with very distinguished consideration, his very attentive servant,

RAFAEL MENDOZA.

Hon. ALLAN A. BURTON,

Minister Resident of the United States of America.

Mr. Burton to Señor Mendoza.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, February 23, 1866.

SIR: I have received with sentiments of grateful appreciation the resolution adopted on yesterday by the Colombian senate of plenipotentiaries, commemorative of the birth and services of my great countryman, George Washington; and pray that that august body and the honorable senators individually be assured of the peculiar sensibility with which this friendly demonstration will be received by the people of the United States of America.

I have the honor to be, sir, with the highest consideration, your very obedient servant,

ALLAN A. BURTON.

Hon. PRESIDENT OF THE SENATE OF PLENIPOTENTIARIES

Of the United States of Colombia, &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 222.]

LEGATION OF THE UNITED STATES,
Bogota, February 28, 1866.

SIR : Although not directed so to do, I ventured to communicate officially to the Colombian government the circular issued by the department on December 18th, 1865, announcing the adoption of the amendment to the constitution abolishing slavery. Knowing the deep interest felt by this nation on that subject, I believe this step would be well received, and I am gratified to know that I was not mistaken.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

*Mr. Burton to Señor Perez.*LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, February 17, 1866.

The undersigned, well knowing the fraternal interest taken by the Colombian government and people in all that pertains to the well-being of their brethren of the north, feels sure that he is the bearer of acceptable tidings in communicating to his excellency the secretary of the interior and foreign relations the accompanying official declaration issued at Washington on the 18th December, 1865, by the Honorable William H. Seward, Secretary of State, to the effect that African slavery remains completely and forever abolished throughout the United States of America.

In this great event, the transcendent magnitude of which is, perhaps, not to be comprehended in all its bearings and results to humanity by the present generation of men, is virtually and practically realized on a gigantic scale the eternal truth proclaimed by the fathers of American independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness;" and its regenerating advent has filled the people of the United States with devout gratitude to the Father of all men, who shapes the destinies of nations. and, in His own good time and way, orders all things aright.

The undersigned joyfully seizes this auspicious occasion to offer to his excellency Señor Secretary Perez renewed assurances of his highest consideration.

ALLAN A. BURTON.

His Excellency Señor SANTIAGO PEREZ,
*Secretary of the Interior and Foreign Relations
of the United States of Colombia, &c., &c., &c.*

Señor Perez to Mr. Burton

[Translation.]

UNITED STATES OF COLOMBIA—DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTA, February 27, 1866.

The undersigned secretary has had the pleasure to receive the note by which the minister resident has been pleased to communicate the declaration made by his government, that African slavery remains completely and forever abolished in the United States of North America.

The fathers of ancient Colombia, in organizing it into a country worthy of a place among free nations, provided for the gradual and sure extinction of slavery, which had been imported into its territory by its early rulers, and which has ever been regarded by Colombians as the greatest human injustice and the most growing of social dangers.

Among her international obligations the first, and the one most cordially assumed by Colombia, was that for the suppression of the slave trade. And New Granada, part of ancient Colombia, which name she has recently reassumed, hastened, without enconomizing her efforts, to complete at once the purification of her institutions and soil, by abolishing slavery, as the

United States now have done, according to the official expression of his honor, "completely and forever."

With such antecedents, which cannot but be well known to him, the minister was right in feeling himself the bearer of grateful news to the Colombian government and people, in transmitting to them; in the name of the cabinet at Washington, the most important and honorable act of his country—a country which had long before enjoyed great and growing glories in a moral, material and political point of view, and has now secured, by abolishing slavery, a glory the purest in a Christian sense, the most necessary to a logical democracy, and the most fruitful in an economical aspect.

The marvellous sacrifices of blood and treasure made to secure the legal equality of all men within the bounds of the great republic, must ever be inferior to the moral value of that conquest, although the fruits of justice and the blessing to free labor should not give ample and immediate indemnity for those sacrifices.

From a community of interest and identity of civilizing aspirations, the entire world will celebrate as a day of universal joy and thanksgiving the day on which the great people represented by his honor, at the cost of rivers of blood and thousands of millions, bearing in mind the words of Washington, "that the propitious smile of Providence will ever rest on the nation that inculcates the eternal principles of right and justice," abolished forever the lamentable institution of slavery.

The minister will be pleased to convey to the people and government of North America the fraternal congratulations which, with the greatest enthusiasm, the people and government of Colombia offer them on this occasion, and to accept the considerations with which the undersigned is his honor's attentive, respectful servant,

SANTIAGO PEREZ.

Hon. ALLAN A. BURTON,
Minister Resident of the United States of America.

Mr. Burton to Mr. Seward.

No. 223.]

LEGATION OF THE UNITED STATES,

Bogota, March 2, 1866.

SIR: After sending my No. 218, I made a short memorandum of the views therein expressed as to the answer to be given to the complaints made by the Colombian government against the alleged misconduct of United States naval officers and soldiers on the isthmus, and handed it in confidence to the secretary of foreign relations, stating that it contained only some immature ideas of my own, which, in the absence of any intimation on the subject from my government, I submitted for his consideration with a view to the adjustment of these matters when I should have received special directions to that end. He returned the memorandum a few days afterwards, saying that he had shown it to the President, who was much pleased with the suggestions, and had authorized him to say to me that they were fully satisfactory on the points to which they had direct reference. The recommendation to make indemnity to Heady was not inserted in the paper I handed the secretary. I only submitted the ideas of my despatch No. 218, commencing with the words in the second paragraph, "regrets that any misunderstanding," and ending with "United States consuls at the termini of the road for their guidance."

As stated in my No. 212, I had obtained an assurance from this government that no further action in these matters would be taken for the present. Finding, however, that the members of congress from the States of Panama and Bolivar had excited a strong prejudice in the minds of members from other States, and that a resolution would probably be adopted condemning the proceedings of our officers on the isthmus, to be followed by a stringent law regulating the transit of United States troops, I deemed it expedient to take the step I have mentioned in order to defeat, if possible, such action by the congress; supposing the secretary would of course communicate confidentially the points I had suggested to a few of the leading members of that body. A bill, well calculated to embarrass our rights on the isthmus, had, however, been prepared, which was afterwards rejected. As will be seen from the senate proceedings in *Diario Oficial*,

No. 574, the bill received only three votes, those of the secretaries of state of Panama and Bolivar and of another senator from the latter State; its movers and advocates voting against it. For the present the whole affair is put to rest, I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Burton.

No. 137.]

DEPARTMENT OF STATE,

Washington, April 27, 1866.

SIR: I have to acknowledge the receipt of your despatch No. 214, dated January 20th, 1866, with the enclosures relating to the seizure on the Magdalena river, in December last, of the steamer Antioquia.

An examination of the voluminous papers upon this subject discloses so many and so grave questions as to induce the determination to suspend the further prosecution of the claims of the American citizens interested in that vessel.

The facts appear to be that the steamer is owned by the "Compania Unida de Navegacion por vapor en el Rio Magdalena." The origin and constitution of this company are not stated, but an attested list of its shareholders is among the documents presented by its financial agent. From this it appears that of the \$360,000 forming the nominal capital of the company, \$162,500, less than half, is held by American citizens, \$128,000 by British subjects; \$22,500 by citizens of Hamburg; \$5,000 by those of Colombia; \$40,700 marked as Colombian, but also stated to be the property of Granados, Garcia & Co., of Paris, and as ordered to be transferred to the British firm of Isaac & Samuel; \$1,300 marked as Colombian, but in process of transfer from the holders to J. A. Catano, a Colombian. The stock would therefore appear to be transferable at will, and the company to have in this respect at least the attributes of a corporation.

The seizure of the steamer was made by order of an officer exercising for the time supreme executive functions in the State of Magdalena, and was subsequently ratified by the President of Magdalena and acknowledged by the minister for foreign affairs of the United States of Colombia as an act for which the general government is responsible.

The officer directing the seizure put it upon two grounds: 1st. That the vessel had, in violation of an express order prohibiting the giving passage to two political suspects, taken them on board and transported them to an unusual landing place on the river in the vicinity of a town in insurrection, where they united themselves with the insurgents. Upon this point it may be remarked that the company appear to make a somewhat lame defence to the charge, but that its consideration is of minor importance, as the Colombian government may be deemed to have in a manner waived it, in adopting the second ground of seizure, viz: 2d. A military necessity of pressing the steamer into the public service for the transportation of troops.

The steamer was in fact employed in such a service. Upon its termination the President of Magdalena requested the agent of the company to designate some person who should go to the point upon the river where the steamer was then located, and there receive possession of her. This was declined on the score that it was the duty of the government to redeliver her at the port where the headquarters of the company were established. This branch of the controversy is unimportant in principle, inasmuch as it relates only to the question of damages.

In respect to the allegation that the Antioquia was selected for appropriation

to the use of the government by reason of an interest of the officer who directed it, in a rival lien which had steamers equally convenient and serviceable, it may be observed that the general right of a government in time of war or insurrection to press into its transport service a foreign vessel within its territory is not to be disputed. When there is any reasonable color of a necessity for such a measure, the government must in the nature of things be allowed a large discretion in judging of its degree. It cannot be called upon to enter into any discussion with private parties as to the grounds upon which it esteems the act necessary, or the motives upon which it selects one vessel rather than another; this would substantially defeat the right a branch of sovereign power exercised confessedly upon exceptional grounds over property ordinarily exempt from local burdens, and under the obligation to make plenary compensation. If a tribunal adjusting the damages might be tempted to measure them more liberally in a case where manifest partiality had been exercised by the government agent at the expense of the claimant, it is only in that aspect that the circumstance may appear to become a proper subject of discussion.

The secretary for foreign affairs of the United States of Colombia declares that the President of Magdalena "lamented the abuse referred to," and in the same connection he states the President's offer to return the vessel and make prompt indemnification without the necessity of a reclamation or of judgment by the courts.

I appreciate but imperfectly the stress which is laid by the claimants upon the guarantees of the Colombian constitution and laws for the free navigation of rivers, and upon the contract with the steamship company for the transportation of the mails in part, perhaps, because the text of these documents is not fully presented. So far as cited they do not seem to have any just relation to the anomalous exigencies of war and rebellion. The circumstance that the Antioquia was engaged in carrying the Colombian mails is one apparently excusing rather than condemning the temporary appropriation of her in preference to other vessels equally adapted for use as transports; she was already to a certain extent in the public service.

The federal government of Colombia declares that it has instructed its procurador to collect the necessary documents and submit them to the legal tribunals, with a view to the liquidation of damages. It thereupon invites the agent of the company to furnish his bill of charges and his proofs. With this I think the claimants must rest satisfied. We are unfortunately too familiar with complaints of the delay and inefficiency of the courts in the South American republics. We must, however, continue to repose confidence in their independence and integrity, or we must take the broad ground that those States are like those of Oriental semi-civilized countries—outside the pale within which the law of nations, as generally accepted by Christendom, is understood to govern. The people who go to these regions and encounter great risks in the hope of great rewards, must be regarded as taking all the circumstances into consideration, and cannot with reason ask their government to complain that they stand on a common footing with native subjects in respect to the alleged wants of an able, prompt, and conscientious judiciary. We cannot undertake to supervise the arrangements of the whole world for litigation, because American citizens voluntarily expose themselves to be concerned in their deficiencies.

There is a more general question now under consideration by this government, which seems to be involved in this case. Further information in respect to the organization and character of the company owning the Antioquia may show that the question does not arise.

It is argued that when an American citizen goes abroad, and fuses his property or invests his funds in any form of special association created by the law of the region where the association conducts its business, by which the general title to the property with which the company operates is vested in an artificial body,

giving to the associates shares assignable at pleasure, in that case the shares of the American citizen are a species of property, not partaking of his national character, and in respect to whatever may befall the property of the association the American shareholder has no valid claim for the intervention of his government. If his shares, specifically as the property of an American, in that shape should be the subject of unjustifiable confiscation or other outrages, that would raise what is conceived to be a different question, with which we are not at present concerned.

A corporator as such has no property in the chattels or credits in which the capital of himself and his associates may have been invested by the governing body of the corporation. All that he has is a right to an account and a distribution between himself and his associates of what may remain after converting the property of the corporation in cash, or other desirable assets, after paying its debts, together with the faculty of transferring this right to an account to any third person, by assigning his stock without consulting his associates.

A very recent decision of the Supreme Court of the United States has furnished a striking elucidation of the nature of this property. The Constitution, as interpreted by that tribunal, exempts the stocks of the federal government from taxation by the States and municipalities. A national bank invests its entire capital in federal bonds or certificates of indebtedness, or such capital may have been constituted by the specific contribution of each stockholder of his aliquot share of such bonds or certificates. In the hands of the corporation they are exempt from State taxation. Congress, however, thought proper to subject to State taxation the stock of individual shareholders in the national banks. This was resisted as an indirect mode of evading the constitutional immunity as taxing, in effect, the same property under one name which was exempt under another. The court decided against the right to exemption, and in an answer to the argument first suggested, it said, "the tax on the shares is not a tax on the capital of the bank. The corporation is the legal owner of all the property of the bank, real and personal, and within the powers conferred upon it by the charter and for the purposes for which it was created, can deal with the corporate property as absolutely as a private individual can deal with his own. This is familiar law, and will be found in every work that may be opened on the subject of corporation. A striking exemplification may be seen in the case of the *Queen vs. Arnold*, (9 Adolph & Ellis, N. S., p. 806.) The question related to the registry of a ship owned by a corporation. Lord Denman observed: "It appears to me that the British corporation is, as such, the sole owner of the ship. The individual members of the corporation are, no doubt, interested in one sense in the property of the corporation, as they may derive individual benefits from its increase, or loss from its decrease, but in no legal sense are the individual members the owners."

"The interest of the shareholder entitles him to participate in the net profits earned by the bank in the employment of its capital, during the existence of its charter, in proportion to the number of his shares, and, upon its dissolution or termination, to his proportion of the property that may remain of the corporation after the payment of its debts. This is a distinct, independent interest or property held by the shareholder like any other property that may belong to him. Now it is this interest which the act of Congress has left subject to taxation by the States."

The case of the *Queen vs. Arnold* thus cited approvingly is even more pertinent to the question in hand.

The Pacific Steam Navigation Company, a corporation created by the law of Great Britain, upon applying for a British register for one of its ships, met with a refusal on the ground that the statute in force (8 and 9 Victoria, chapter 9) prohibited foreigners being entitled to be owners in whole or in part, directly or indirectly, of any vessel requiring to be registered; and in another place made it a condition that the vessel should wholly belong to her Majesty's subjects,

while a portion of the stock of the Pacific Navigation Company was owned by citizens and residents of Mexico. Lord Denman, delivering the opinion of the Court of Queen's Bench, which commanded the issuing of the register, observed, in addition to the remarks quoted by the Supreme Court, "the British corporation is, as such, the sole owner of the ship, and a British subject, within the meaning of the 5th section, notwithstanding some foreigners may individually have shares in the company, and such individual owners are not entitled, in whole or in part, directly or indirectly, to be owners of the vessel."

Apply this doctrine to the case in hand. The value of the Antioquia is stated by the agent of the company which owns it at \$50,000, while the whole capital is \$360,000. Can the owners of \$162,500 of this capital lay claim to that proportion, 162½ 360ths, or any proportion of that steamboat? It is entirely consistent with anything that appears, that the company may be insolvent, and that the resulting interests to the claimants in all its property may be nothing.

Is not this the proper view justified by the authorities cited? The association as an entity, is to be assimilated to a citizen of Colombia. If it has sustained a wrong, is it not for it to pursue such remedy as it may have in the same manner as a private Colombian would be obliged to do, without the aid of any government external to Colombia?

It may well be that subjects of Great Britain, France, and Russia, are stockholders in our national banks. Such persons may own all the shares except a few necessary to qualify the directors whom they select. Is it to be thought of that each of those powers shall intervene when their subjects consider the bank aggrieved by the operations of this government? If it were tolerated, suppose England to agree to one mode of adjustment, or one measure of damages, while France should insist upon another, what end is conceivable to the complications that might ensue?

It is argued that there is no wise policy which requires us to encourage the employment of American capital abroad by extending to it any protection beyond what is due of the strictest obligation. There is no wise policy in enlarging the capacity of our citizens domiciled abroad for purposes of mere pleasure, ease, or profit, to involve this government in controversy with foreign powers. The tendency of things, it is urged, is to an increase year by year of just such companies in the South American States as that which presents the claim under consideration, while no very proximate period can be foreseen at which we may expect their exposure to the hazards of intestine commotion to be sensibly diminished.

We are sufficiently impressed by these considerations to pause for further information, especially as the affair seems to be in a way of an adjustment, unless the claimants impede it, to which there is great difficulty in objecting. Any further evidence, however, or arguments which the American claimants may deem pertinent to a just disposition of their case, on the part of this government, will be attentively considered.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Burton.

No. 138.]

DEPARTMENT OF STATE,

Washington, April 30, 1866.

SIR: I have to acknowledge the receipt of your despatch (No. 212) dated January 11th, 1866, with enclosures relating to the misconduct of United States troops on crossing the isthmus of Panama, in the months of August and November last.

The information which these papers afford is too imperfect to enable us to form an accurate judgment of the events to which they refer.

Measures have been taken to investigate the complaints, with the purpose of making due amends for any wrong that shall be found to have been committed, and to guard against its recurrence.

You will communicate to the minister for foreign affairs the formal disavowal by this government of any knowledge or approval of acts whether directed or allowed by its military officers inconsistent with the respect it cherishes for the sovereign rights of the United States of Colombia, or the security of its people inhabiting the isthmus. Your course in promptly tendering verbal assurances to this effect is approved.

It does not appear from your despatch, or the papers referred to and accompanying it, what modification was proposed of the orders to the President of Panama of May 13th, 1865. As the promise of the minister for foreign affairs that those orders should remain unchanged for the present seems to indicate that the purpose to make some modification is not entirely abandoned, the information may be important.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Burton.

No. 139.]

DEPARTMENT OF STATE,

Washington, April 30, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of November 4th, No. 198. It is accompanied with several papers which relate to certain proceedings which were taken by Acting Rear-Admiral G. F. Pearson, of Panama, on the occasion of the burial of Alexander R. McKee, esq., deceased, late United States consul in that city.

In answering that despatch I shall have occasion also to notice matters which are presented in your previous despatch of the 1st of November, No. 195.

Alexander McKee, esq., late consul of the United States at Panama, departed this life on or about the 1st of September last. His death appears to have been profoundly lamented by the authorities of the United States of Colombia at that place, as well as by the citizens and naval agents of the United States who were residing there or were on duty in the vicinity. A stranger in a foreign country, it was natural that his countrymen who were thus sojourning there should be moved to pay to his remains the customary duties of tenderness and respect.

So far as the facts can be ascertained from the papers now before me, it does not appear that the public authorities of Colombia, or those of the State of Panama, assumed to themselves the performance of any duties whatever in relation to the funeral obsequies of the deceased. I am left at liberty to suppose that the preliminary arrangements for those obsequies were made exclusively by private and unofficial parties who had been acquaintances of the consul. It does distinctly appear that the authorities of Colombia or those of Panama made no communication whatever concerning the occasion to Rear-Admiral Pearson, who was then on board of the ship *Lancaster* in the port of Panama, and in command of the United States squadron in the Pacific.

The funeral was appointed for the 4th of September. In the morning of that day, and at the hour appointed, Admiral Pearson landed from his flag-ship, attended by a small marine guard, provided with cartridges without balls, and an unarmed band of music, which unarmed band and practically unarmed guard

were attached to the naval service on board the flag-ship. The rear-admiral's object in landing the marines and the band was to pay the customary naval honors to the remains of the deceased consul. The admiral, however, had given no notice to the authorities at Panama, state or federal, of his purpose or desire to pay those honors in that form. The obsequies proceeded, the naval honors were paid by the admiral, together with the marines and band, and all are understood to have then returned quietly to the flag-ship. It is not alleged that any disorder or disturbance occurred, or any offence was committed, or that there was menace otherwise than what was constituted by the fact of the landing of these naval mariners on the shore without permission previously given by the national or state authorities at Panama.

- Upon this state of facts the President of the State of Panama, one of the constituent States of the republic of Colombia, on the 6th of September, addressed a note to Rear-Admiral Pearson. In that note the President of Panama stated, that on the day of the funeral, he, (the President,) with the other public superior functionaries, national and state, residing in the city of Panama, were prepared to attend the funeral obsequies of the late consul, whose death was justly deplored, when the President perceived that a party of armed people, belonging to the United States marine, had disembarked, together with a band of music, to do honor to the civil and military rank of Mr. McKee. This discovery the President said placed him under the painful necessity of declining and causing the other authorities to decline attending the obsequies, because no permission for such disembarcation had been asked for of him, he being the first authority in the State of Panama. The President in his note alleged that it would have been very natural for him to have granted such permission, especially in consideration of the fact that neither the national nor state authorities in Panama had there any band of martial music, nor any body of troops to contribute in giving new gravity to the ceremony.

The President then argued that the disembarcation of the marines with a musical band without permission being first solicited might be understood unfavorably if it should pass unnoticed; that his silence on the occasion might be taken as an argument thereafter for neglecting the correct usages of the law of nations.

Having made these explanations, the President closed with saying that he expected, therefore, that in case it should be necessary to disembark armed naval forces in future, that it would not be done without the consent of the authority at Panama, which represents the sovereignty and independence of the nation.

Rear-Admiral Pearson replied to the President on the 8th of September, to the effect following, viz: After reciting the facts in the case the rear-admiral said, that he regretted that the President had not attended the funeral services of a consul so much beloved; that he could do no less than to express also the impressions which had been made upon his mind by the President's statement of his objections to the presence of the marine guard and the marine band at the funeral ceremony.

The admiral having adverted to the facts that the marine guard were furnished with cartridges, only without balls; that the band of music was unarmed; that their only object was to honor the remains of the consul, then took notice of the complaint of the President that the disembarcation was contrary to the rights of nations.

The admiral said he knew perfectly well that armed troops should never put foot on the territory of a friendly government without special permission from its chief, but in the present case he added:

"All the city was mourning the loss of a friend; and it never occurred to me that anything I might do in honor of his memory would be taken in any other sense than joining in the general grief of all, including the President and the other employés of the government." "Besides," continued the admiral, "at

that time the city was overhung with a cloud of sadness, which prevented lending attention to little forms, no one thinking of anything but in contributing to the deceased, the much loved Colonel McKée, the melancholy homage, whose remains were to be immediately buried."

Passing from that point, as it would seem to the conclusion of the President's letter, the admiral said, "I will here take the liberty to assure your excellency that, in conformity with my orders to the squadron of my command, armed troops will land immediately whenever it is necessary to fulfil the stipulations of the treaty between the United States of Colombia and the United States of America, and especially when the railroad and its passengers are in danger.

"You inform me," the admiral continues, "that, for the future, you hope when it may be necessary to land armed troops it will not be done without the consent of your excellency. There is not the least objection to asking this permission; but I believe it to be my duty to give you notice, that in case of alarm the required force of the squadron for an immediate service would probably be detained from arriving in Panama at least two hours, waiting to communicate with the city and receive permission from your excellency. In consideration of the conditions of the treaty, it is believed that armed troops may be landed at any moment; and our late consul and others anxiously desiring it, I have ordered the marine troops to land when there was any danger, to protect the consulate and the naval depot, without permission from the authorities, and I am disposed to do the same again; convinced that such conduct will not only be agreeable to the consul and naval storekeeper, but also to the President of the State, since it will contribute to the preservation of good order."

The admiral concludes with saying to the President :

"Do not think for a moment, however, that I dispute your legitimate right to wish that permission be asked by means of an officer to disembark armed troops in time of necessity, or to do the customary funeral honors at the death of an employé of the United States, or to land a band of unarmed musicians. All this, beside being your lawful duty, would give me pleasure to carry it out by means of an order to the commanders. I shall also remit to the government (of the United States) a copy of your communication and a copy of my answer, to the end that if at any time the force under my command shall be delayed in case of any emergency in consequence of my awaiting your consent to the disembarkation, it may not be attributable to me."

Having now set forth the material parts of the correspondence which took place in September last between the President of Panama and the acting rear-admiral of the United States concerning the occurrence referred to, I proceed in the next place to bring into the record the representation which that correspondence has elicited from his excellency Mr. Santiago Perez, secretary of the interior and of foreign relations of the republic of Colombia.

On the 16th of October last, that secretary addressed a note to the minister resident of the United States at Bogota, based upon the aforementioned correspondence. The secretary wrote in effect these words: "The neutrality of the isthmus, or of the sovereignty of New Granada (now the United States of Colombia) over it, guaranteed by the United States of North America, in the thirty-fifth article of the treaty of 1846, are rights pertaining to Colombia, rights the effectiveness of which it belongs to her to demand at the time and the circumstances which may be convenient to her and equitable. But that guarantee of the neutrality of the isthmus and its sovereignty to Colombia does not oblige her to submit to the measures which the United States of North America or any agent of theirs may pretend to impose on her in derogation of the national dignity, and not only without the requirement of the local authorities but in spite of them."

The secretary proceeded to write further to the effect that "the local authori-

ties of the State of Panama, or as agents of the national government respectively, in virtue of their powers and in the fulfilment of their duties, have to maintain on the isthmus the public security, and the guarantees due its inhabitants and persons who may be trustworthy there. In the discharge of their duties the authorities would employ the means at their command and require such assistance as they may find necessary, and to which they may be entitled, provided it can be so given, and as stipulated."

The secretary continued his argument in these words: "Otherwise assistance would not be real assistance, and the employment of a foreign force, although under alleged necessity or convenience, would be rather to have it imposed than asked; an act inadmissible by the legitimate authorities of that territory, and unacceptable according to the most primitive notions of public law."

The secretary proceeded to write further as follows: "Agreeably to the said thirty-fifth article, said guarantee is expressly declared to be an especial compensation for favors acquired by the United States of North America in that State. The guarantee is, therefore, not a right pertaining to them, but an obligation, a service contracted by them; a service, it is true, which redounds to their interest, but which cannot take the character of a power or jurisdiction. But, by giving to said guarantee the interpretation implied in the pretensions of Rear-Admiral Pearson, it would be converted into an additional favor to the United States of North America, a favor which would require on the part of Colombia the abdication of her sovereignty. The propriety of opportunely appealing to the necessary measures to preserve in every case security on the isthmus, must be decided by the power intrusted with its preservation, a power which represents the national sovereignty, and at the order of which, within the respective limits, agents are to be maintained whose duty it is to lend effective assistance. Who has borne the responsibility arising from a want of order or security on the isthmus when disorders have occurred? The use, therefore, of the forces of the United States of North America for the preservation of order and the maintenance of the sovereignty of Colombia on the isthmus has to be determined by the Colombian authorities themselves, and not by the chiefs of those forces, whatever may be the apparent inconvenience in any case to the latter—inconveniences to be foreseen and removed by him who is responsible for the disturbances.

"Such is the understanding and the grounds taken by the Colombian government with respect to the part in question of the treaty of the United States of North America. It is sure that such is the understanding and views maintained by the minister resident, whom the undersigned has the honor to address and to request of him an express opinion on the point. The way of transit across the isthmus shall be opened to the citizens and government of the United States of North America, agreeable to said article thirty-five, but neither this nor any other article of the treaty implies the right to disembark the troops in that territory without previous notice, and then subject to the conditions of the treaty. Much less does it imply the right to disembark North American forces in order that they may go through exercises on Colombian territory or occupy it in organized bodies or regiments in any operation whatever. The right to disembark and of transit will always be subject to the compact between the two nations, and, in cases of resistance, to the judgment and demand of the local authorities, who in this particular act as the agents of the national government.

"In this sense instructions have been given to the government of the city of Panama; and it is hoped that the minister resident of North America finding all the foregoing in strict accordance with the existing treaty, and with the well-understood interest of both countries, he will be pleased to communicate his orders accordingly to the agents of his nation on the isthmus, that they may desist from and put an end to whatever they have manifested or that they may manifest to the contrary."

Having thus recited the various points in this extraordinary correspondence, I proceed to give you the opinion of this government concerning the same :

First, I am of opinion that the entire controversy is uncalled for by any proceedings which have been taken by Admiral Pearson, or by any exigency that has arisen in our relations with the government of Colombia, and therefore I am of opinion that the discussion is entirely unnecessary.

The United States of America are sincere friends of the United States of Colombia. We are not now under any necessity to confess the obligations or to claim the benefits which result from that most interesting relation.

When we consider the circumstances of the death of our late esteemed consul at Panama, Mr. McKee, it seems to us that Admiral Pearson might reasonably have expected, in view of the relations which he sustained to both countries, that the national or state authorities at Panama would first communicate with the admiral in regard to that lamented event. We do not, however, think it strange that, impressed by the general and overwhelming sense of the calamity which had befallen both countries, the authorities at Panama omitted to make such a communication. In the absence of such communication we admit that it was the duty of the admiral to address himself to the national and state authorities at Panama and express his desire to attend the funeral obsequies of the deceased, giving notice of the form of ceremonial which he had adopted.

We regret his failure to do so, though we think criticisms upon that omission by the federal and state authorities at Panama, under the peculiar circumstances of the case, are uncalled for and unkind. We think that when Admiral Pearson appeared on the wharf attended by a detachment of marines furnished only with cartridges, and with the ship's band of music, for the purpose of attending the funeral of Mr. McKee, it was the right of the President of Panama, or other representative of the national government of Colombia, to ask of the admiral an explanation of the character and object of his landing. It is now manifest that such an explanation as would have been entirely satisfactory could and would then have been given. We regret exceedingly that it was not asked. We do not, however, complain of the Colombian authorities for omitting to ask the explanation. On the other hand, we think that a review of the whole subject would satisfy the friendly government of Colombia that the President of Panama on that occasion took a jealous attitude, which would have better become an agent of a party holding relations different and more unfriendly than those which at present exist between the United States of Colombia and the United States of America. It would have been entirely proper for him to ask of the admiral, in a friendly manner, an explanation of his proceedings in landing with the marines and musicians on the occasion referred to, and to have limited his demand to that subject alone. Had the President of Panama thus addressed the admiral, there can be no doubt that he would have given an unobjectionable and satisfactory reply.

We understand that the reason why the subject is brought by the secretary for foreign affairs of Colombia to the notice of this government is, that in this regard, the reply which was given by the admiral to the letter which was addressed to him by the President of Panama was unsatisfactory. With a view to remove this impression it is now cheerfully admitted by this government that it was the duty of the admiral in the first instance, on that occasion, to ask leave for landing the marines and musicians, and having omitted to perform that duty, it was then incumbent upon him to tender a satisfactory explanation to the authority. The President of Panama, however, was not content to ask merely such explanations as I have supposed, but, on the contrary, he preferred to enter a protest before the admiral against his proceedings, as if, in the President's judgment, they admitted of no explanations.

The President followed up that protest with a notice to the admiral, to the

effect that he, the President, expected that, in case it shall be necessary to disembark armed naval forces in future, it will not be done without the consent of the authority in Panama, which represents the sovereign independence of the United States of Colombia. The reply of the admiral to this gratuitous announcement, made by the President of Panama, was unsatisfactory, and seems to have been construed as disrespectful.

The secretary for foreign affairs of the United States of Colombia presents this reply of Admiral Pearson as a subject of complaint to this government. I have to observe, in regard to this part of the transaction, that in my judgment no occasion had arisen, and no proceeding had been taken by the admiral, which called for the notification thus given to him by the President of Panama. No necessity had arisen, or was pretended by the admiral to have arisen, or to be about to arise, for such a landing of armed naval forces as is contemplated by the treaty between the United States and Colombia.

The admiral was not the person to be addressed for explanations of his purposes or of the purposes of this government in vague and unfounded anticipation of such a contingency. He was simply a subordinate to this government, which is directly amenable in law and courtesy to make such explanations to the government of the United States of Colombia as may become due to that government.

The President of Panama is a local magistrate at that place. He neither pretends to have had, nor could have had, any authority whatever from the United States of Colombia to demand explanations from this government in such a hypothetical case as he conceived, much less to demand them from an unauthorized agent of the United States.

This government does not now think itself bound, on a review of the whole correspondence, to give explanations to the government of the United States of Colombia in regard to the form of proceedings which it might suppose to be proper in case the necessity contemplated by the treaty for the landing of the land or naval forces of the United States should arise for guaranteeing the sovereignty of the United States of Colombia upon the route of the Panama railroad. The treaty and the law of nations must regulate the action of both governments should such an emergency unhappily arise. We are not to treat of it in advance, because it is a mere vague possibility.

A government cannot justly be expected to give explanations and guarantees in regard to the course it will adopt in hypothetical cases, where it has neither itself done, nor suffered its agents to do, any act which implies a want of fidelity to its treaties and other international obligations.

For a government to give pledges voluntarily that it will not do what it is forbidden by those obligations to do, or will not do in an improper manner what it lawfully may do in a proper manner, would be to admit that it had given just grounds for jealousy or suspicion of its good faith. It is sincerely hoped that the prevalence of peace, law, order and loyalty upon the isthmus may be such as to render the stipulations of the treaty for the guarantee of its safety by this government to remain forever a dead letter. The United States desire nothing else, nothing better, and nothing more in regard to the States of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence. If those great interests shall ever be assailed by any power at home or abroad, the United States will be ready, co-operating with the government and their ally, to maintain and defend them. Such co-operation will be in accordance not merely with the terms of the treaty, but also in accordance with the respect which is due to the sovereignty of that ally, and to the courtesies which friendship inspires, and which are invariably practiced between enlightened and friendly nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 232.]

LEGATION OF THE UNITED STATES,
Bogota, May 4, 1866.

SIR: In my No. 217 I expressed the opinion that the message of President Murillo to the present congress presented an illusory picture of the actual state of the country, especially of its financial condition. The correctness of that opinion is now verified by the startling message of acting President Rojas Garrido to congress, to be found in "Diario Oficial," No. 622, hereto annexed, announcing an existing deficit in the revenues of \$1,300,000, about one-half the amount of annual expenditures, which has to be met immediately, or the consequences will be most disastrous.

As I have heretofore stated, one-half the available national income is pledged to foreign creditors. A further increase of the tariff and the price of salt manufactured at the government works—the two principal and only considerable sources of revenue—is impracticable. The country has no credit in Europe. Its agent, who has been seeking a loan in London for the last year, backed by General Mosquera, the President elect, has entirely failed. The deficit is not, therefore, to be met by the loan. The only resort would seem to be, the sale of the emerald mines, the remainder in the Panama railroad, or the privilege of constructing a canal across the isthmus, or all together. A bill has passed the congress authorizing the President to sell the emerald mines, but as they are under a lease for a long term and their products after its expiration will be uncertain, they probably could not be sold for anything like their real value. The price for the canal privilege added to that of the mines would still be insufficient. The national interest in the railroad must be looked to, it would seem.

The contract celebrated with an English company for opening a canal across the isthmus of Darien will not be approved by the congress, and it has decided that its sanction is necessary. In addition to the deficit already mentioned may be named \$120,000 more received by the government from the canal company, and which will have to be refunded. Neither is it likely that a grant will be made just now to Mr. Teller. The President will probably be authorized to treat on the subject with any person or company he may prefer.

Another present embarrassment to the government arises out of the purchase by General Mosquera of two steamers in England at the price of \$300,000. He did this without authority, but the vessels are on their way to, if not now in Colombian waters, must be paid for, and congress feels itself constrained to adopt the contract, although the nation has no use for them and is without the means to pay their purchase price. I happen to know that the Peruvian minister, lately received here as the representative of the revolutionary dictatorship of General Prado, has offered to buy the vessels provided Colombia will, as the present administration is inclined, unite with the Pacific republics in their alliance against Spain. This offer will probably be accepted, although the fear entertained that this alliance might be looked on by the United States as releasing them from fulfilling their obligations contracted by the 35th article of the existing treaty, as against Spain in case she should invade the isthmus in a war thus officiously and quixotically assumed by Colombia, has caused the latter to hesitate.

Since writing the above, acting President Rojas Garrido has asked a distinguished personage here, who studies the affairs of our country with much interest and understanding, if, in his opinion, the United States were inclined to give notice for a termination of the treaty of 1846, and thus withdraw the guarantee over the isthmus. The President said he had fears of this; that a continuance of the guarantee was indispensable to the safety of Colombia. That the present is a grave crisis for Colombia, the war on the Pacific, the division among the Colombian people, and the desperate state of her finances, all considered. That he must have a million and a half of dollars very soon to enable the administration to move on; and that he saw no means of obtaining it except by an

arrangement with the Pauama Railroad Company. That such an arrangement would have a tendency to induce the United States to continue the guarantee. He requested this gentleman not to mention this conversation except under very special circumstances.

From this short review it will be seen that the situation and prospects of this country are by no means flattering. The consequences resulting from this unhappy state of affairs, which may more particularly concern the United States, will be a sale of the reserves in the railroad and of the privilege of constructing a canal. I believe it pretty certain that both transactions will be consummated within the next two years, and that our citizens will be preferred as the purchasers, and by judicious action may secure both.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Message of the President of the Union.

[Translation.]

Citizen Representatives :

Placed at the head of the executive government of the Union, I esteem it my duty to explain to you the present condition of the finances and treasury, calling your attention to the same and appealing to the patriotism of the representatives of the Colombian people for means with which to meet the pressing expenses of the public administration and the sacred obligations of the nation. Upon the latter subject, I had the honor to direct you a special message on the 13th instant, which I doubt not you will have received with the interest its importance demands.

As to the present fiscal situation, figures demonstrate the complete inequality of the estimated revenues and expenses.

The deficit of the national treasury for the economic year 1863-4, according to the report presented to Congress, is.....	\$35, 921, 043
The deficit of the appropriation for 1864-5, according to the liquidation of the executive power, is.....	488, 906, 950
That of the service for 1865-6, as liquidated by the executive power, will be.....	839, 263, 065
Total.....	1, 364, 091, 058

This total deficit may be considered approximately correct, for while it may be true that in the year 1864-5 some revenues experienced a considerable increase, such as that of custom-houses, it is likewise true that this increase was counterbalanced by a diminution in others, such as those of the salt-works, mortmain property, mails, and income from property, and also by the increased expenses for salaries in the custom-houses, over the estimate.

It must also be taken in account that during the economic year in course, the product of the custom-houses will not equal that of the last, and that the difference in that of the salt-works will be still more remarkable in consequence of the reduced price of salt, a reduction which will not be compensated for a long time by the supposed increase of consumption to arise from this reduction.

Appreciating in their true light these considerations, it is by no means exaggerating to suppose the actual deficit of the treasury to be \$1,300,000, a figure which will go on increasing if efficacious measures be not adopted, not only to meet this deficit, but also to equalize the national income with the expenses, without imposing an immoderate contribution on the people.

Consider, citizen representatives, the grave difficulties which will surround the administration if the means to meet the deficit in the treasury, which I have demonstrated to you exists, be not provided. It is not to be lost sight of that the government cannot be carried on without pecuniary resources and it is likewise to be borne in mind that a government must necessarily be bad which is conducted in the midst of penury and want, and by force of sacrifices yet more costly.

I firmly trust, by giving to these observations the importance they merit, the means will be procured for the executive power to make front to the fiscal situation set forth in the present message.

JOSÉ MARIA ROJAS GARRIDO.

El Secretario de Hacienda i Fomento,

PROPERO PEREIZA GAMBA.

BOGOTA, April 24, 1866.

Mr. Burton to Mr. Seward.

No. 235.]

LEGATION OF THE UNITED STATES,

Bogota, May 30, 1866.

SIR: In the absence of General Mosquera, the President elect, who had not arrived from Europe, the first designado, or vice-president, Señor José Maria Rojas Garrido, was inaugurated President on the first day of April last, the constitutional term of President Murillo having then expired. General Mosquera was received here by his friends on the 19th instant, with an enthusiasm unequalled since the times of General Bolivar. He was inaugurated President on the next day, and organized his administration. He finds the country in an embarrassed and disorganized state, and assumes the chief magistracy under circumstances that call for his whole patriotism and ability. Much as is said in the public press about loans contracted for Colombia by General Mosquera in England, of the alleged sale by him to an English company of the remainder of the nation in the Panama railroad, &c., it is, nevertheless, not to be concealed that a heavy and pressing deficit exists in the treasury, and the republic is without adequate resources at home or credit abroad. The reality of these supposed financial arrangements is open to doubt. Some national interest, perhaps that in the railroad, will probably yet be disposed of to meet the emergencies of the fiscal year, commencing on the first of September next.

Colombia will not unite with the Pacific republics in their alliance against Spain.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 241.]

LEGATION OF THE UNITED STATES,

Bogota, June 5, 1866.

SIR: Señor Freyere, accredited by General Prado, envoy extraordinary and minister plenipotentiary of Peru to Colombia, arrived in this capital in January last, for the special purpose of seeking the adhesion of the latter to the alliance of the South Pacific republics against Spain. President Murillo, adopting the course pursued towards himself, when he asked permission as Colombian minister in Washington, declined to accept a representative from General Prado before his authority had been confirmed by the Peruvian people, by the organization of a popular government under a republican constitution. Upon the expiration of President Murillo's term, on the first of April, Señor Freyere was received by the vice-president of General Mosquera's administration, Señor Rojas Garrido, then in charge of the national executive power.

Señor Matta, the minister from Chili, who left here for Caracas in December last, to request the co-operation of Venezuela with the allied republics, a notice of which I gave in my No. 207, returned to this city on the 3d instant, without having secured the object of his mission. Venezuela will not join in the alliance, although the people and Congress favor it. Colombia has, in effect, adopted the same course, with the approval of the congress and people. I understand,

from a reliable source, that the central republics will not go beyond an expression of sympathy for the other republics engaged in the contest.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—Since writing the above despatch the Colombian government has declared absolute neutrality in the war between Spain and the Pacific republics, as will be seen from the circular in *Diario Oficial* No. 662, a translation of which is hereto attached, marked E.

ALLAN A. BURTON.

JUNE 10, 1866.

E.

[Circular.—Translation.]

UNITED STATES OF COLOMBIA, DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS—
NATIONAL EXECUTIVE POWER, SECTION FIRST—NUMBER 11—DEPARTMENT OF FOREIGN
AFFAIRS.

BOGOTA, June 9, 1866.

In consequence of the deplorable events on the coast of the Pacific by reason of the war between the republics of Chili and Peru, and the government of Spain, the grand general, Tomas C. de Mosquera, envoy extraordinary and minister plenipotentiary from Colombia in Europe, in one of the conferences had with Lord Clarendon, foreign minister of her Britannic Majesty, manifested that in the war indicated, Colombia would keep the same neutrality as England, agreeable to the principles of international law.

Consequently the grand general has ordered the observance of the following course of conduct by all the authorities of the United States of Colombia, and he therefore addresses this order to the government of the State, that the following direction may be strictly observed:

1st. No assistance shall be given to either of the belligerents to troops, arms, boats, munitions of war, money, or any other articles which may be directly used in the war.

2d. As to that which has no relation with the war, nothing will be refused to one of the belligerents that is conceded to the other, provided that the same be not in conflict with the friendly and commercial preferences for the Pacific republics based on existing treaties or private reasons of convenience.

3d. The transit of troops over the territory of the republic will not be permitted to either of the belligerents, neither the disembarkation of prisoners, nor the bringing into it of prizes of war, before condemnation.

4th. Neither will the vessels of war of the belligerents be allowed shelter in the ports, gulfs, or creeks, with the object of lying in watch for the enemy's vessels that may pass, or to send their vessels to capture them.

5th. No merchant vessels arriving at points of the republic bound for the theatre of war will be permitted to obtain provisions or other necessities except sufficient for the voyage, calculating the consumption according to the days necessary to make the trip in order that upon their arrival at their destination they will be unable to furnish aid to the belligerents.

6th. Finally, all other precepts which the rights of nations establish for neutrals will be faithfully observed. The grand general president expects that these instructions will be complied with, and to this end the secretary of the government, to whom I have the honor to address myself, will please give notice of this communication to the president of the State.

JOSÉ MARIA ROJAS GARRIDO.

Mr. SECRETARY GENERAL

of the Government of the Sovereign State of ———.

G.

[Translation.]

UNITED STATES OF COLOMBIA, DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTA, June 19, 1866.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, has the honor to address the honorable Mr. Burton, minister resident of the United States of America, for the purpose of making known to his honor that the Colombian Union

assumes the character of neutrality in the war that Spain is making with some of the American republics, according to the declaration made by the Colombian government and contained in the circular of this department to the government of the States of the Union, dated the 9th of the present month, and inserted in number 662 of the "Diario Oficial," of which the undersigned has the honor to annex to this communication a duly authenticated copy.

The undersigned improves this opportunity to renew to the honorable Mr. Burton the assurances of the distinguished consideration and esteem with which he has the honor to be his very attentive servant,

JOSE M. ROJAS GARRIDO.

Hon. Mr. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

H.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, June 23, 1866.

The undersigned, minister resident of the United States of America, has had the honor to receive the attentive communication addressed him by his excellency Señor José M. Rojas Garrido, secretary of the interior and foreign relations of the United States of Colombia, on the 19th instant, announcing that the Colombian government had assumed the attitude of neutrality in the war existing between Spain and certain American republics, as defined by a circular from his excellency's department, dated on the 9th instant, and published in the "Diario Oficial," No. 662.

Duly appreciating this courtesy on the part of his excellency, the undersigned will hasten to place this interesting information within the knowledge of his government.

The undersigned avails himself of this opportunity to repeat to his excellency the assurances of his highest consideration and regard.

ALLAN A. BURTON.

His Excellency SEÑOR JOSÉ M. ROJAS GARRIDO,

Secretary of the Interior and Foreign Relations, &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 242.]

LEGATION OF THE UNITED STATES,

Bogota, June 6, 1866.

SIR: The lately published correspondence of the department announcing the adjustment of the Mexican question with France, and especially that part of it containing the instructions to Mr. Motley, has been received here with a joyful welcome and the highest admiration. Impatience at the apparently tardy progress in a satisfactory solution of this important affair has grown into a general dissatisfaction. The result has proved to this people the wisdom of the policy pursued by the government of the United States, and confirms our title to be regarded as the first diplomatic nation of the world. The influence of this achievement upon our relations with the American republics will undoubtedly be most salutary.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 243.]

LEGATION OF THE UNITED STATES,

Bogota, June 7, 1866.

SIR: Appearances, so far, indicate that the administration of General Mosquera will fail to bring to the country the repose so anxiously looked for, and thus rescue it from the sad condition described in my No. 197. The close of

President Murillo's term found the nation greatly demoralized, and general discontent and painful apprehension seem to have taken possession of the public mind since. The belief is very general among the best judges of events in this unfortunate country, that it will soon be again in a state of civil war; perhaps within a few months. Numerous recent signs tend to confirm the reasonableness of this fear.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 244.]

LEGATION OF THE UNITED STATES,
Bogota, June 8, 1866.

SIR: Since his return from Europe, President Mosquera has spoken much of his admiration for and attachment to the British nation. He has on numerous occasions, as I am reliably informed, expressed his preference for that people over all others. This expression has been in connection with the contemplated sale of the national reserves in the Panama railroad and the construction of a ship canal across the isthmus. I happen to be in possession of facts which induce the belief that there is something of policy in this, and that what the President really desires to accomplish is a sale of the road to the present company and to our countrymen of the privilege to open the canal, and in conjunction with these to secure a perpetuation or extension for a long period of the existing treaty guarantee of the isthmus to Colombia. If our government feels sufficient interest in these enterprises, I beg to suggest that, in my judgment, the time for action has arrived. By timely and judicious action, these important privileges can probably be secured on advantageous terms. If not secured soon they are likely to pass into unfriendly hands. I would most earnestly call the prompt attention of the department to these matters.

Whatever may be the President's object in thus eulogizing Great Britain, his intimate personal friends believe, or affect to believe, that he expresses his real sentiments..

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 245.]

LEGATION OF THE UNITED STATES,
Bogota, June 9, 1866.

SIR: Referring to my No. 220, which treated of the alleged discovery of certain coal deposits near Rio Hacha, in this republic, I have the honor to enclose the annexed communication touching the same subject, from Mr. George H. Ferguson, a citizen of the United States, lately in the employ of the Colombian government in the character of engineer. I regard Mr. Ferguson as competent to judge of the matters of which he speaks, and his report reliable.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Ferguson to Mr. Burton.

BOGOTA, May 12, 1866.

DEAR SIR: The great interest you take in all matters that may have a tendency to throw any light upon the resources of this country, prompts me to communicate an outline of my late journey through the province of Rio Hacha.

From La Cienega, a town of 10,000 inhabitants, which lies seven leagues to the southward of Santa Marta, a road extends to the city of Valle Dupar, situate near the centre of the State of Magdalena and distant seventy leagues from La Cienega. For a distance of forty leagues, the forests on either side of the road are heavily timbered with caoba or mahogany, ceiba, caracoli, and guayacan, or lignumvite. The mahogany is but little used by the natives. One species of the ceiba furnishes them a means of catching fish; the sap is drawn from the tree, and when thrown into the streams the fish become stupefied and are easily caught. The "caracoli," not unlike our cedar in the color of its wood, furnishes canoes. In most cases these are built far away from the streams, to which they are drawn, when completed, on round sticks placed across the road at regular intervals; in some instances they draw them in this manner for five miles.

Sixty leagues distant from La Cienega are the mountains of Camperucha. These abound in copper. A mine has been opened and is now in operation here, worked by the natives, but owing to the great difficulty in the way of transportation the profits are merely nominal.

Ten leagues from these mines lies the city of Valle Dupar. Built of "material" its houses are now in good condition, though hundreds of years have passed since its foundation. It formerly possessed 10,000 inhabitants; now there are scarcely 1,500. The frequent revolutions have so affected the people, they are without the courage and energy necessary to improve their condition.

In the Sierra Nevada mountains is the village of San Sebastian, fifteen leagues to the northwest from Valle Dupar. The road to the village is over mountains fearfully high and quite bare of vegetation. Situated in the charming valley of the river of the same name, it is inhabited solely by the Arnaco Indians. Fifty-eight adobe houses constitute the village, which is encircled by a stone wall. No animals are allowed within the enclosure or limits. It is cleanly kept, and the Indians do not occupy it except on feast days, their time being spent upon the farms in the valley and in tending their cattle on the mountains. The Arnaco Indians are a robust and muscular tribe, industrious and inoffensive. They have a peculiar dialect of their own, and number between seven and eight hundred, though not more than one fourth of this number dwell about San Sebastian. The costume of the men is a pair of coarse cotton pants reaching just below the knees, and a "serape" of the same material three and a half yards long, with a hole in the centre for the head to pass through. This is secured to the waist by a sash of the same material. The women wear a skirt as well as the serape. Their hair is long, coarse, and jet black, and the color of their skin not unlike that of the North American Indians. The men have a practice of chewing a mixture of shell lime, and the leaf of a plant called jaya. They take a small gourd and make a hole in one end of it; in this they put the lime of a shell obtained on the coast. Chewing the leaf, they insert the lime in their mouths by means of a long stick. Every Indian has his "porporo," as the vessel containing the lime is called, and they frequently pass days without eating, asserting that the "porporo" kills hunger.

The finest sheep are raised in this valley, as well as cattle and horses. Cotton and flax are cultivated, and onions, potatoes, beans, cabbages, yuca, aracacha, and perico.

Two leagues from Valle Dupar, on the road to San Sebastian, is a mountain called Revisado. A copper mine has been opened here, though not worked at present. Specimens of green and blue carbonate from this mine yielded 60 per cent. pure metal. Copper is sufficiently abundant at this point to justify the investment of capital, providing there existed other means of transportation than mules and donkeys. The distance from this mine to the nearest shipping point (Rio Hacha) is twenty-five leagues.

On the outskirts of Valle Dupar are forests of Brazil wood. A considerable amount of this valuable dye-wood is shipped to Rio Hacha on the backs of donkeys, and great quantities are consumed as fuel by the inhabitants of Valle Dupar.

Eight leagues from this city in an easterly direction lies the town of San Juan, situate on the Rio Caesar. This place contains about 4,000 inhabitants, and has suffered to a fearful degree from the late revolutions. Las Juntas is a settlement near San Juan, where iron and copper exist in considerable quantity. No attempt has as yet been made to work these mines. The fences in this neighborhood are made of Brazil wood, which grows in great abundance. Nine-tenths of all the dye-wood shipped from Rio Hacha is obtained from this vicinity. Divi-divi is also abundant.

Four leagues to the eastward of San Juan is the little village of Molino, situate near the base of the Cordillera de Maracaybo. In these mountains, two leagues from Molino, copper exists in abundance. At a place called Faria, also near Molino, the richest copper mines exist I have yet seen. The whole mountain is impregnated with blue and green carbonates, specimens of which have yielded 75 per cent. pure metal. None of these mines are in operation, from the difficulty presented in taking the ore to the coast.

This section of the province is sufficiently rich to justify the construction of a railroad

from Rio Hacha to some point in the interior, say Barranca, as, in addition to the immense amount of copper, coal is said to exist near this point in great quantities.

Brazil wood, divi-divi, and sugar would make no inconsiderable item in the way of freights. The distance from Rio Hacha to Barranca through the valley is about eighteen leagues. Should proper parties become interested in the copper mines of this section, there is no doubt an immense revenue would be the result; and a railroad from the coast to the interior would have a tendency to develop the resources of that portion of the country, which, until such an event, must lie dormant.

I have the honor to be your obedient servant,

GEO. H. FERGUSON.

Hon. ALLAN A. BURTON.

Mr. Burton to Mr. Seward.

No. 247.]

LEGATION OF THE UNITED STATES,

Bogota, June 28, 1866.

SIR: In answer to an indication contained in the last paragraph of despatch from the department, No. 138, dated April 30th, 1866, I have the honor to state, that the modifications proposed to the orders to the President of Panama of May 13, 1865, will be found inserted in a note addressed me by the secretary of foreign relations on the 4th of January last, marked A, and attached to my No. 212. The modifications proposed are these:

1. United States troops in crossing the isthmus to be entirely unarmed, their officers excepted.

2. On arriving in the ports at the ends of the railroad, they are not to be disembarked until the train which is to carry them is ready to receive them and to start. The soldiers are not to leave the train except to go directly aboard the vessel which is to receive them.

3. The train carrying them to make no stoppage on the way.

4. Deserters to be arrested by the local authorities only, on application of a United States officer.

I regard the proposed change as entirely abandoned. I refer to my Nos. 218 and 223.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 248.]

LEGATION OF THE UNITED STATES,

Bogota, June 29, 1866.

SIR: Referring to my No. 204, I have the honor to report to the department the repeal by the national legislature of Colombia of the law approved April 19th, 1865, intended to affect the civil rights of foreigners in this republic. As will be seen from the copy and translation hereto annexed, the repealing act defines anew the rights and obligations of foreigners.

I deem it my duty to say that the pretended fairness of the law on its face is but a snare. The law will be taken by the reckless chiefs who rule throughout the country as a license to despoil foreigners in times both of civil war and peace, according to their own interpretation of international law.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—Since writing the foregoing the British minister has said to me that he has written substantially the same to his government.

A.

[Translation.]

Law defining the status, rights, and duties of foreigners.

The congress of the United States of Colombia decrees :

ARTICLE 1. Foreigners, transient or domiciled, shall enjoy in the territory of the Union the guarantees mentioned in article 15 of the constitution, without any limitations other than those prescribed by international law in cases of foreign war.

ART. 2. Foreigners domiciled in the United States of Colombia, and not simply transients according to international law and usages, and who have not been naturalized in conformity with section 3, article 31, of the constitution, shall enjoy the same civil rights and guarantees, and be subject to the same obligations as to person and property, as Colombians.

ART. 3. Foreigners thus domiciliated shall nevertheless enjoy the exemptions to which they may be entitled by public treaties, and the same which Colombians under the same circumstances may enjoy by the laws and customs of the country to which the foreigner may belong.

ART. 4. The declaration of a foreigner before a political authority of the country of his intention to become domiciliated in it shall be sufficient to bring him within the provisions of article 2.

ART. 5. The following circumstances shall be held as presumptions of a foreigner's intention to become domiciliated in the United States of Colombia.

1st. Voluntary and continued residence within the territory of the Union for more than four years without being clothed with a diplomatic or consular character, or being the agent or acting on commission for others residing in a foreign country.

2d. The voluntary acquisition, accompanied by possession of the same, of real estate in the territory of the Union, provided the owner or possessor shall reside in the country.

3d. Residence in the territory of the Union as a merchant, and having an established house, except in cases of the agents of, and those acting on commission for, others resident in foreign countries.

4th. Marriage with a native of the country, and a voluntary and fixed residence in it for more than two continuous years.

5th. The voluntary acceptance and discharge of the duties of any post in the public service of the country.

ART. 6. The foregoing presumptions will render a foreigner liable to the tributes and contributions which the law imposes on Colombians until it be made to appear before the authorities that, under the same circumstances, the laws of the country to which the foreigner may belong give the Colombians the exemptions claimed by the foreigner.

ART. 7. Foreigners not domiciled, or transients, shall be exempt from all burdens or personal tributes, employments, military service, forced loans or exactions in time of peace or war, saving the burdens recognized by international right or usage. But if the laws or usages of a foreign country shall subject Colombians not domiciled or transient to any of the burdens named in this article, the exemption in part of the foreigner shall cease.

ART. 8. Foreigners, not clothed with a diplomatic character, who shall lose their character of neutrals by voluntarily taking part in the civil or national strifes of the country, shall be deemed in the same situation as natives before the law, to the effect of bearing the burdens resulting from a state of war, both as to their persons and property.

ART. 9. The law of April 19, 1865, "defining the status, rights, and duties of foreigners," is hereby repealed.

Done in Bogota, June 13, 1866.

AQUILÉO PARRA, *President of the Senate.*

JULIAN TRUJILLO,

President of the House of Representatives.

AURELINO GONZALES,

Secretary of the Senate.

FRANCISCO V. DE LA ESPRIELLA,

Secretary of the House of Representatives.

BOGOTA, June 21, 1866.

T. C. DE MOSQUERA.

Let the foregoing be published and executed.

[L. S.]

JOSÉ M. ROJAS GARRIDO,

Secretary of the Interior and Foreign Relations.

Mr. Burton to Mr. Seward.

No. 249.]

LEGATION OF THE UNITED STATES.

Bogota, June 30, 1866.

SIR : In number 646 of the *Diario Oficial*, which I have the honor to enclose, will be found a contract lately entered into in London between General Mosquera, then Colombian minister to Great Britain and now President of this republic, and Mr. Ambrose W. Thompson, of New York city, by which an association called "The Chiriqui Improvement Company" acquires the right to undertake certain enterprises in Colombia, and among them the construction of some sort of way across the isthmus by what is known as the Chiriqui route. The contract has been approved by the Colombian congress, as will be seen from *Diario Oficial* No. 676, herewith enclosed.

This or a similar project was brought before the thirty-sixth Congress of the United States at its second session.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

B.

[Translation.]

Contract between the United States of Colombia and the Chiriqui Improvement Company.

T. C. de Mosquera, great general of the Union, general-in-chief of the Colombian guard, senator, envoy extraordinary and minister plenipotentiary near her Britannic Majesty, in the name of the government of the United States of Colombia, of the one part, and Ambrose W. Thompson, in the name of the Chiriqui Improvement Company, of the other part, have entered into the following contract :

ARTICLE I. When the Chiriqui Improvement Company shall have completed the railroad across the district of Bocas del Jore and Costa Rica, from the Atlantic to the Pacific ocean, the company shall establish, if the government of the United States of Colombia require it, a line of steamers between the terminus of the railroad on the Atlantic and Santa Martha, touching at Colon (Aspinwall) and Carthagena and such other ports as the government may designate. The company shall also establish under the same conditions another line of steamers between the terminus of the road on the Pacific and the port of Buenaventura, touching at such other ports as the government may require. Each boat must make at least two round trips every month, with intervals of not less than ten days between trips; and when other vessels of the company shall make weekly voyages between the Atlantic terminus of the road and the United States of America, the trips of the boats of said line running between said terminus and Santa Martha, the arrival and departure of the latter vessels shall be so regulated as to connect with the former.

ART. II. The company shall receive for the service named in the foregoing article the whole of the postage on the mail matter which it may carry on said line. The rates of postage and manner of collecting it shall be fixed by the government of the United States of Colombia, and to this end may keep its agents on board the vessels, if it shall see proper to do so. If the company shall so elect it may perform this mail service before the completion of the railroad.

ART. III. The steamers of said line must be capable of carrying at least four cannons of heavy calibre, or a single breech-loading rifled one in place of the four. The vessels thus armed may be put into the government service of the United States of Colombia in case of war, and whenever said government may require their services. In such case the government will pay to the company either the values of the vessels or an equivalent for their use. If the government and the company cannot agree upon the sum to be paid, each will name an arbitrator, and these two a third, in case they do not agree, and their decision shall be final.

ART. IV. In consideration of the establishment of the aforementioned line of steamers, the government of the United States of Colombia grants to the Chiriqui Improvement Company the unappropriated lands which it may need for colonization in the districts of Bocas del Jore and Alauje; and consequently it shall have the right to make such use of said lands as it may deem proper, for making improvements on them, constructing roads and edifices for the colonies that it may establish.

ART. V. If the company should construct a railroad or Mac Adam wheel road over the lands mentioned in the preceding article, before the establishment of colonies, and preparatory to their establishment, it shall be entitled to a belt of land along the sides of such road, amounting to 60,000 hectares. The lands shall be laid off into lots of 400 square hectares parallel to the road, the company and government being entitled to alternate lots. The expense of surveying the lands and of making it appear that they are unappropriated shall be borne by the company.

ART. VI. Not less than one thirty-fifth part of the lot of each colony shall be reserved and administered by commissioners appointed by the government, and the whole of the income or products of the same shall be applied to the establishment and maintenance of public schools for the education of the children of the colony.

ART. VII. If at any time the capital of the republic of the United States of Colombia shall be removed to the State of Panama, the Chiriqui Improvement Company binds itself, the railroad being completed from the Atlantic to the Pacific through the district of Bocas del Toro and part of the territory of the republic of Costa Rica, to pay the sum of \$250,000 towards the construction of the necessary edifices for the general government of the Union.

ART. VIII. The company also binds itself to carry gratuitously over its road and on its boats all persons in the service of the United States of Colombia, the members of congress, and also all the elements of war which it may be necessary to transport by them to preserve security from abroad or internal order.

ART. IX. With the approbation of this contract by congress, the said company is recognized as an association complete and national for the purpose of establishing lines of steamers with the right to carry the flag and entitled to the rights and privileges proper to such associations, and as a society or company for the improvement and colonization of unappropriated lands, whose colonists shall enjoy all the privileges, exemptions and guarantees granted by the laws to new immigrants. So, also, will the company be recognized as a corporation or artificial body to act by its attorneys, agents, and directors, under the name and style of the Chiriqui Improvement Company, with which title said company was formed in Philadelphia and recognized by the acts of the legislature (of Pennsylvania perhaps) of April 27 and May 6, 1854, and May 3, 1855.

ART. X. Said company, or civil industrial corporation, shall have power to make by-laws for the good order and management of its affairs and colonization in all matters not affecting the authority of the nation or of the States; but when said by-laws shall relate to general interests they must be approved by the national government, and when to special interests of internal order and police, by the government of the State of Panama, in which State the road is to be constructed until it enters the territory of the Republic of Costa Rica.

ART. XI. Said company shall have power to issue bonds or certificates representing its capital, as may be determined by law.

ART. XII. Said company, at its first or subsequent sessions, shall appoint from among its members nine directors, five of whom shall constitute a quorum, to transact business, and the acts of the majority of which shall be binding. Their term of office shall be fixed by the by-laws of the company.

ART. XIII. If doubts or differences shall arise between the national government, or that of the State of Panama, and the Chiriqui Improvement Company, as to the fulfilment of this contract, such questions shall be decided by a convention, (arbitration;) and if this cannot take place by the national or State judiciary, in accordance with the rules prescribed by the constitution of Colombia and in no case shall rights or exemptions or protection from a foreign government be claimed, because citizens or subjects of another nation may be interested in the company, and the infringement of this provision shall *ipso facto* annul this contract.

ART. XIV. If this contract shall not be carried into effect during the year 1867, the fact of such failure in itself will render it void. That is to say, if within the year 1867 the company shall not be fully organized and the construction of a railroad from Chiriqui to Costa Rica, and the navigation by steamers between Colombia and the United States of America, or between the ports of the Atlantic and Pacific as before specified, this contract shall be *ipso facto* void.

Done in London March 3, 1866, in the Colombian legation, No. 38, Lancaster Gate.

T. C. DE MOSQUERA.
A. W. THOMPSON.

Mr. Burton to Mr. Seward.

No. 250.]

LEGATION OF THE UNITED STATES,
Bogota, July 1, 1866.

SIR: Besides the unauthorized agreements entered into in London by the late Colombian minister in Great Britain, General Mosquera, now President of this

republic, treated of in my Nos. 249, 251, 252, and 253, he contracted a loan on behalf of Colombia of £1,500,000. This contract has been ratified by the congress with some modifications.

It is believed that these modifications are in effect an annulment of the contract, unless the object of those making the loan be to secure control of the Panama railroad, which is very probable. In case Colombia receive the loan, it requires no great foresight to predict that the consequences to the country must be sadly unfortunate. The American interests on the isthmus will be jeopardized in such event and for this reason I beg to call the serious attention of the department to the matter.

The Panama Railroad Company may find it to its interest to advance the net amount of the loan—about five million of dollars—and by this means secure what it has for years sought to achieve by other means. If the present opportunity should be neglected, the road is pretty sure to pass into English hands.

The thirty-five per cent. of the customs pledged by this contract puts eighty-five per cent. of this, the principal branch of the national revenue, in pledge to English creditors and beyond the control of the government, which seems to render it impossible for the latter to sustain itself. The nation will be virtually bound hand and foot and delivered over to Englishmen. The whole of the other revenues of the government will not pay a third of its indispensable running expenses.

I enclose a copy of the contract, letter B of attachment A; the modifications of congress in *Diario Oficial* No. 682, XXVI; a translation of the modifications, B; a translation of the original contract, C; a synopsis of the contract, I; with other papers numbered from I to XXVI. These latter are of no interest to the department at present, but may become so, in view of events likely to grow out of the loan.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

I.

Loan lately contracted with Robinson & Fleming of London by President Mosquera, then Colombian minister to Great Britain.

The minister not having authority from his government to contract the loan, as President of the republic, he has submitted it to the congress for its approval. The terms of the loan are as follows:

1. Amount of the loan, \$7,500,000.
2. At fifteen per cent. discount.
3. At six per cent. per annum interest, to commence running three months before the emission of the loan. The interest for these three months, \$112,500. Interest payable semi-annually in London.
4. The first year's interest is to be deducted from the loan, deposited in a London bank, and the interest produced by the deposit to be applied as a payment on the principal of the loan.
5. The loan to be advanced as follows: Five per cent. when the loan is subscribed for; five per cent. when the certificates of subscription shall be distributed; ten per cent. monthly for each of the six months next thereafter; and fifteen per cent. at the end of seven months next after the delivery of the certificates of subscription.
6. The product of the loan, i. e., eighty-five per cent. of the seven millions and a half, minus the first year's interest and commission to Robinson & Fleming, to be deposited in a London bank, (subject to the draft of the Colombian government, it is to be supposed,) and the interest arising from the deposit to be applied to the extinguishment of the loan.
7. The loan to be paid off within twenty years by the payment of interest and five per cent. of the principal annually.
8. The Colombian government to issue bonds for the seven millions and a half, which bonds Robinson & Fleming are to indorse.

9. The government will remit, at its expense, to London, in sterling money, six months before each semi-annual payment of interest falls due, a sum sufficient for the payment of the same, and the commission to the agent for making the payment.

10. The government pledges or hypothecates thirty-five per cent. of the custom-house duties of the republic: fifty-two and a half per cent. is already held in pledge by English creditors; fifteen per cent. of the revenues arising from the salt mines, and the national remainder in the Panama railroad.

11. The remainder in the railroad and part of the income from the salt mines having been heretofore hypothecated for a million loan obtained in London in 1864, known as the Buenaventura road loan, the government agrees to pay off that loan out of the present loan, so as to leave the salt mines revenue and remainder in the railroad free from the lien given to secure the road loan of 1864.

12. The loan, (seven and a half million loan,) *i. e.*, its proceeds, to be applied to the internal improvements mentioned in a law of the republic of May 28, 1864, less a half million of dollars to be appropriated to the Buenaventura road. This law undertakes to create a general system of improvements which would ruin the country if attempted to be carried out. The law will be found in *El Diario Oficial*, No. 28, of June 1, 1864, heretofore sent to the department.

13. Robinson & Fleming have the right to appoint agents in the custom-houses to collect the thirty-five per cent. pledged as aforesaid, and also to appoint agents to see that the product of the loan be applied to the internal improvements for which it is destined. These agents to be paid by the government.

14. Robinson & Fleming to receive six per cent. on the nominal amount of the loan for their trouble in securing it. This commission to be deducted from the principal.

15. Robinson & Fleming, who are to receive and pay out the sums necessary to extinguish the loan and the interest thereon, are to have one-half of one per cent. on the amounts thus received and disbursed for this service.

Synopsis.

Amount of loan.....		\$7,500,000
Discount fifteen per cent.....	\$1,125,000	
Six per cent. commission to Robinson & Fleming.....	450,000	
Six per cent. interest one year in advance.....	450,000	
The sinking fund (5 per cent).....	375,000	
Commission to Robinson & Fleming for paying interest and principal.....	4,125	
		<u>2,404,125</u>
Net amount raised or to be received by the Colombian government.....		<u>5,095,875</u>

See despatch to the department No. 217, for some observations on the finances and want of financial talent in this country, and compare them with the foregoing.

II.

[From the *Diario Oficial* No. 654, June 1, 1866.—Translation.]

Message of the President of the Union.

EXECUTIVE POWER OF THE UNION.

CITIZEN SENATORS and REPRESENTATIVES: I had the honor to give you a statement of the contract for a loan celebrated in England with Messrs. Robinson & Fleming, in accordance with the bases fixed by the law of May 28, 1864, and returned it to congress, as I had annexed for security one more hypothecation, that of the reserves of the Panama railroad.

The faith and responsibility of the government and of the nation being bound by reason of a legal mandate, it was not to be expected that this saving measure, the base of public happiness and foundation of a complex system of administration, should have the opposition that has been presented to combat my foreign proceedings, when competent judges in matters of finance have wondered that Colombia has been able to obtain this loan with better conditions than other nations, as Egypt, Turkey, Austria, and Brazil, and that the credit of Colombia has been sustained from my arrival in London, as may be seen from the quotations from the exchange of said city.

It is said that the government will receive but \$5,095,875, as fifteen per cent. discount is deducted	\$1,125,000
Commission six per cent	450,000
Sum	1,575,000
To this sum add—	
Interest of first year	\$450,000
Five per cent. sinking fund for liquidation of principal	375,000
One-half per cent. to the agents of this commission	4,129
	829,129
Total reduction	2,404,129

This mode of proceeding is incorrect. The republic receives actually and positively £1,185,000, or \$5,925,000, which, at an interest of 7½ per cent., produces \$451,781 25, interest very common in Europe and an advantage not obtainable in Colombia. The republic by this contract pays six per cent. annual interest on \$7,500,000, the sum of \$450,000, or \$1,781 25 less than 7½ per cent. of the money actually received in the loan.

The capital received commences to gain, according to the contract, an interest in the bank or banks in which it is deposited; and deducting from the \$5,925,000 which they receive, \$925,000, which is transferred at once to Colombia, leaves \$5,000,000 gaining five per cent. or \$250,000 annually. The republic, on the transfer of \$925,000 for deposit in a bank and to form with it the support of internal improvements, will possess 4 per cent. premium, \$37,000; that is to say, the republic will receive \$962,000.

The payment of interests and the gradual liquidation of the first year is not a discount; it is an expenditure, as that of the \$925,000 which is destined for internal improvements in the first year; and if this sum is reduced equally, the loan remains reduced to \$4,170,875. And finally, when all is converted to internal improvements, "the republic has lost \$7,500,000 and paid annually the enormous sum of \$450,000 interest, and the gradual liquidation of five per cent."

This mode of reasoning, citizen senators and representatives, is only proper to this opposition, passionate and systematic, which rises in the first days of my administration, when encharged with the government I find all the revenues pledged, claims drawn against the custom-houses exceeding \$300,000, employes unpaid, the mortmain property in a dilapidated condition from bad sales, the income of the salt mines ruined, and a treasury debt of nearly two millions of dollars. In Europe I well knew this situation. However, I resolved to come and take charge of the government, because the nation called me to rescue it from the conflict in which it was met, since in my administration from 1845 to 1849 I inaugurated industrial improvements, as the president of congress indicated in his discourse of my inauguration.

Yes, gentlemen, I knew the situation of the country, but, feeling my powers, I believed that, relying as I ought to rely on a congress that represented at least the will of the States of Bolivar, Bojaca, Cauca, Cundinamarca, Magdalena, Santander and Tolima, I am sustained. As I was elected by a great majority after I had manifested how I understood the programme of the liberal party, which called me to power and filled the formulas of the democratic representative governments, the representatives of the people and the senators from the States have no other duty to express than the will of their constituents.

There are the United States and the Swiss Confederation among republican nations where the democratic representative system is known by practice. There alone, where the mandate abandons the programme presented, he is called to order and opposition is made.

That the deputation from Antioquia which represents the conservative party defends other opinions is not strange. That the deputation from the State of Panama which represents an opinion opposed to my election combats my ideas, does not surprise me. Although, by the message directed to me by the president of Antioquia, I have a right to believe that that people, filled with life and industry, are in accordance with my views of peace, union, and progress, and I am certain that the isthmus of Panama, country of my predilection, would have voted for me, if a revolution had not changed the vote of the people. The senators and representatives of this State know full well the deference that I must have for this country, worthy of better fortune, and which calls my attention under different points of view, economical and political.

Republican frankness is not consistent with the dissimulation of politicians who conceal their views, and I, as a republican, ought not to recur to that which is called machiavelism to govern, and I address myself to you with the loyalty of a free man and friend of progress. Loans are ruinous where they are acquired for the ordinary expenses of the administration; but when they are converted to industrial pursuits which bring an augmentation of riches, and are a great benefit, then augmenting the production gives revenues to pay the interests of the money and as much per cent. for its liquidation. The United States, without the loans contracted in Europe, could not have attained the gigantic progress which has elevated this nation to a power of the first order. There is no occasion, gentlemen, to enter into a "polemica-

economica," because the axioms of the science of government teach that certain economical doctrines cannot be applied to the practice of public administration, in the same manner that national handicraft is unequal to industrial.

The loan obtained, congress has the facility to resolve the problem which I have given in another message, to wit: to meet the public expenses and evade national bankruptcy, or, better said, to remedy without imposing new contributions.

With the security of the loan, congress can ordain the issue of treasury notes as national money, with an obligation to receive for the payment of treasury dues and to meet public expenses, but leaving the commerce to fix the price of effects as also of gold and silver. These notes would be admissible in all the public offices for their nominal value, except in the custom-houses, whose dues would be paid in gold, to the end that commerce, by the necessity of acquiring it, would not depreciate the value of those documents.

To bring the first \$925,000 for investment in internal improvements, one-half of the effective fund could be put in a bank of issue and discount and a European bank, whether the Bank of South America and Mexico or in another an equal sum, which I say to congress I have security to obtain. With this fund of \$1,850,000 the government can ask the emission of another equal sum, hypothecating the revenues and changing the treasury for bank notes. In this manner the credit will rise, the country be saved from bankruptcy, peace be secured, and a new way opened for progress. With new and good roads production would be augmented, and in four years the \$5,925,000 will give not only the 7½ per cent. it costs, but 12 per cent.

Moreover, with the creation of new industries by the facility of communication, the exportation from Colombia will not fall short of twenty millions in the next few years, and the importation will not be less than \$25,000,000 with the credits; thus the 20 per cent. of the rights of the custom-houses will give \$5,000,000 by importation, with which will be met the interest of the foreign and interior debt, and the expenses of the administration. Ten per cent. of the supposed right of consumption would give to the States \$2,500,000 for their expenses, dividing among the base of the population calculated at 3,000,000, and would have a contribution by no means oppressive of \$7,500,000, that is to say, \$2 75 for each person, in the consumption of foreign merchandise annually.

If this project is adopted for the sale of the government interests in the railroad, means will be obtained to meet the hypothecations which they offer. A financial combination will give such credit that we will be able to undertake an enterprise of new regulations over our foreign debt, which will be reduced 33 per cent. at least.

The pressure of time and the necessity of addressing this message to-day does not permit me to extend it. Before the end of the session I will be able to give you a statement of the condition of the country, whatever may be required, and my ideas for its salvation.

I have confidence in Providence, that governs the world, in the good judgment of Colombians, and your patriotism, for assurances that if you give me the laws and authorities I have solicited, I will save the republic; for this I respond with my life and with my honor.

T. C. DE MOSQUERA.

The Secretary of the Treasury and National Credit,

CERBELEON PINZON.

BOGOTA, June 1, 1866.

III.

[From the Diario Oficial No. 657, June, 5, 1866.—Translation.]

Message of the Citizen President of the Union.

EXECUTIVE POWER OF THE UNION.

Citizen SENATORS and REPRESENTATIVES: It is now ten years since I presented to congress, as president of a commission of national credit of both houses, a report sufficiently extensive to prove the necessity of consolidating the public credit, and nothing could be obtained but the authorization which was given to the executive power to regulate the foreign debt, which was accomplished in 1861, when I, as provisional President, ratified the contract celebrated.

The authority I then exercised permitted me to give, on the 9th of September of that year, the fundamental decree of public credit, which, combined with the restoration of the mortmain property, was the most important measure adopted by my administration; and I, recalling what I said to congress as senator, which was the necessity of granting the law of public credit to save the country from bankruptcy, I gave the decree I have mentioned, which has already undergone some blows, and would prove futile if measures inconsistent with the system should be adopted. Therefore, as I said in the report alluded to, laws that disnaturalize documents of public debt are not laws of credit, but of discredit.

Well I knew, citizen senators and representatives, that the conflict in which the republic is found is what prompts the spirit of some senators and representatives to propose the pro-

jects which upon this subject flow in the houses. I am not ignorant of your laudable intentions; but not agreeing with your ideas and having the responsibility which the nation has imposed upon me in the public administration, and to report upon the actual situation of affairs of the Union, I see the necessity of giving to congress a statement of the distressing situation of the country, as well as the laws I need in order to govern, already indicated in my message on the loan which can now be raised in England, in accordance with the law which authorized the executive power, and another ratified this year enumerating the new works which ought to be constructed.

Well could I have ratified that contract and carried it into effect if it had not one clause, the only one that in my conception should be submitted to congress, which is that to obtain the guarantee of the Panama railroad reserves, and the desire to submit to the consideration of Congress the offers of the contractors of the loan to increase it to one million eight hundred thousand pounds sterling. This loan is auxiliary to the industrial associations and to construct roads and canals. With these foreign capitals, resources will grow which augment national riches, and proportioning at the same time increased interests to the borrowers, and an annual sum toward the liquidation of the principal. Thus is established the fractional credit upon the territorial credit of productive ground. A nation like Colombia, which has no great capital, needs to furnish it with its own credit, and congress has acknowledged the right to give these laws authorizing the executive power to contract loans, not to augment public expenses, diminishing the resources of the people of the country whose government obtains the loan, and this government is found obliged to contract new loans, extinguishing debts whose documents are worth nothing in the market, because the laws of the public credit have not been sustained. The nation has arrived at such a situation that it is necessary to declare bankruptcy or salvation with the only resource which can be presented under these circumstances, to wit: to maintain inviolable the laws of public credit; to approve the article of the contract of the loan upon the hypothecation of the railroad reserves, the only point discussible in the contract, as the rest is in compliance with the law; to authorize the issue of treasury notes to pay the foreign debt which now oppresses the treasury; to meet the ordinary expenses, giving at the same time the power to establish a national bank on the bases indicated in my former message. Then, gentlemen, without investing one dollar of the money of the loan in public expenses, it will be a service to the treasury; it will give force to the public credit; commerce will meet the facility to diminish its obligations and to adjust its capital; roads will be initiated, and finally the completing of the work of national prosperity will be arrived at, with the enterprises of dikes, canals, and railroads. And you, citizen senators and representatives, will be the liberators and saviors of the nation, giving the executive power the elements to regulate finance and national credit. Eight months from to-day you will be reunited to receive the report I must give conformably to article 66 of the constitution, (attribute 17 of the executive power.)

What are, gentlemen, eight months in the life of the nation? Nothing; and well can you await my report which I will present then, in order that you may perfect the work which you now commence with the measures I have proposed. The position in which the executive power is found is very painful; the salt mines declining, the products of the emerald mines given away for three years, the income of the custom-houses compromised to pay three hundred thousand dollars, the decree on the use of the national forests virtually nullified, giving these which are immovable property to the holders of documents of wild lands, altering thus the law of public credit. The national executive committee of public credit have neglected their principal duties for the purpose of embarrassing the mortmain property, and this, by the little I have seen from official documents relating to this matter, have not been advantageous; they have made ruinous contracts, have sold national property at a loss; they have liquidated debts to contract loans, and the nation, as I have just said, will declare itself bankrupt, because it does not pay its debts nor salaries. There is not that complete order and regularity which the national service demands. In the mean time, instead of giving resources to the government, the situation is complicated with various projects of law called laws on public credit. In the senate chamber, the committee to whom was passed my message on the loan adopted the opinions of a paper of the opposition, inimical to the facts, and commenced to analyze the contract in its essence, without taking into consideration that I had done nothing but to comply with the law. Before noticing this report I have answered in my former message the force of its arguments, and it is very painful for me to know that the honorable senators of the majority of the commission pledged themselves to argue against the principles resolved by congress to raise a loan and to make allusions to resolutions inconsistent with the contraction of the loan.

Gentlemen senators and representatives, the public credit cannot last, nor Colombia appear as a nation, from what is said outside, that the republic cannot meet its expenses because it has pledged its revenue and prosperity, and can make no financial combination founded on the principles of science. It is not true, gentlemen, that \$500,000 of the loan is destined by preference for the Buenaventura road. But a half million dollars will replace the \$587,000 that the Murillo administration took to pay public expenses. Appropriating a part of this fund contrary to law, and as the loan cannot be entirely employed in the first year, the funds employed for different works will be re-employed conveniently by the common funds hypothecated actually. The 35 per cent., destined by the law for this loan, of the custom-house

funds, with 37½ per cent. of the old foreign debt, are 72½ per cent. of the products of the custom-house, and 104 per cent. of the Mackintosh debt, which is for its extinction, are 83 per cent., and leaves sufficient for expenses of collection and to pay the subvention of Panama, not in the custom-houses but in the general treasury as offered by the convention of Rio Negro.

The administration will have paid in this year the dividends of the public debt with the same loan, and the increase of interest which the loan produces in Europe will give part of the amount necessary to make the payment of interest and gradual amortization.

I have already expressed in this message in what manner the money of the loan is to be used to increase the public credit, without diverting its funds in common expenses. If I should have been able to examine attentively the report of the committee, it would be easy for me to reply to all its charges; but my object is, citizen senators and representatives, to ask that you do not vary the laws of public credit, and that you sustain the action of congress in 1864 in order to raise this loan to increase the public prosperity, and assert as false before the face of the world that these laws were sanctioned only for the Murillo administration, as some representative said in full house that he believed you should not give to me the resources which would have been offered to the previous administration. Maybe the commission of the senate is in accordance with this representation, and prefers to sustain this idea rather than let the country be saved, with good loans on public credit and with the good benefits which a loan can produce, destined to increase industry and to open public roads.

Pardon me, citizen senators and representatives, if I am personal in this question. The health of the country and my honor are compromised. I ought to be frank and loyal with the representatives of the people. I have not said as much as I can say to prove the great danger that public tranquility runs, because the discontent of those that combated in opinion of the nation to elect me President is palpable, because I could save without imposing contributions, without falling back from the public faith, and without exercising discretionary power.

Therefore the law and the will of the people is my motto.

T. C. DE MOSQUERA.

JOSÉ MARIA ROJAS GARRIDO,

Secretary of the Interior and Foreign Relations.

FRANCISCO AGUDELO,

Secretary of State for Finance and Internal Improvements

and charged with the office of Treasury and National Credit.

RUDECINDO LOPEZ,

Secretary of War and Marine.

BOGOTA, June 5, 1861.

B.

[Translation.]

Decree approving the convention celebrated in London on October 27, 1865, for the loan of a million and a half of pounds sterling.

The congress of the United States of Colombia decrees:

ARTICLE 1. The convention celebrated in London on October 27, 1865, between Minister Plenipotentiary Great General T. C. de Mosquera and Messrs. William K. Robinson, John Fleming, and George Fleming, for the loan of £1,500,000, for the exclusive object of encouraging internal improvements as provided for by the law of May 28, 1864, is hereby approved, with the following modifications:

1st. Article 5 is amended thus:

ART. 5. The contractors shall deduct the first year's interest from the proceeds of the loan, and shall deposit it on the best terms in a London bank, to be designated by the executive power of the Union, that it may give interest for the government, while interest shall be added to the first year's sinking fund for the payment of the principal.

2d. Article 9 is approved, modified thus:

ART. 9. The proceeds of the loan, minus the year's interest and commission, shall be deposited at interest, on the best terms, in a bank or banks in London, to be designated by the executive power, and to be subject to the conditions of this contract. Whatever interest the deposit may produce to be placed to the account of the government, and applied to the payment of the loan and its interest.

3d. Article 12 of the contract rejected.

4th. Article 13 amended as follows:

ART. 13. It being understood that by the hypothecation of the reserves in the Panama railroad, the lenders shall not have power to oblige the government to sue them against its will, it is agreed that if the republic shall resolve to sell the said reserves, the proceeds of the sale shall be applied to the payment of this loan. If the republic shall not choose to sell

the reserves, the net income or benefit accruing to the nation from the Panama railroad is included by this contract.

5th. Article 17 to read thus:

ART. 17. The proceeds of this loan, subject to the stipulations of this convention, can only be withdrawn by the government, and for the purposes mentioned.

6th. Article 18 amended by adding the following paragraph:

Until it be declared that the number of subscriptions mentioned in this article is completed, the government of Colombia shall in nowise be bound by this contract, neither shall it be liable for any bank deposit that may be made on account of this loan.

7th. Article 19 to read thus:

ART. 19. The said contractors shall receive as their commission £6 per cent. on the nominal amount of said loan, which commission shall be payable and deducted by said contractors from each of the sums which the government may receive from them of the bank deposits aforesaid. Said commission shall be in full of all expenses of whatever kind incident to the completion of this loan. If the loan be not raised, the government is to incur no expenses.

Done in Bogota, June 28, 1866.

SANTOS ACOSTA,

President of the Senate.

JULIAN TRUJILLO,

President of the House of Representatives.

C.

[Translation.]

Agreement entered into between his Excellency the Great General T. C. de Mosquera and Messrs. Robinson & Fleming of London.

An agreement made this October 27, 1865, between his excellency, the great general of Colombia, Señor Don Tomas Cipriano de Mosquera, envoy extraordinary and minister plenipotentiary of the United States of Colombia near her Britannic Majesty, who will hereafter be called in this writing his excellency of the one part, and William K. Robinson, John Fleming, and George Fleming, merchants and traders, of No. 21 Austin Friars, in the city of London, under the firm name of Robinson & Fleming, who will henceforth be called contractors of the other part. For that whereas his excellency above named applied to the said contractors to undertake to procure the issue in London of a loan of £1,500,000, in accordance with a law of said States approved May 28, 1864, which the said contractors have agreed to do on the terms and conditions hereinafter set forth, it has therefore been mutually agreed between his excellency and the said contractors as follows:

1. The nominal value of the loan is a million and a half of pounds sterling.
2. The issue will be at eighty-five pounds per cent.
3. The rate of interest on the said loan six pounds per cent. per annum, to be computed from three months before the date of its issue.
4. The interest to be paid semi-annually in money sterling, in London, the first payment to be made at the end of three months after the issue of the loan.
5. The contractors will deduct the first year's interest from the proceeds of the loan, and deposit it in a London bank, to be named by the contractors, and approved by his excellency, in order that it may gain interest on the most favorable terms, on account of and for the benefit of said government, and the interest that may accrue on the deposit shall be applied as a sinking fund for the first year.
6. The payments of the loan shall be made as follows: Five pounds at the subscription; five pounds on the issue of the certificates of subscription; ten pounds one month next thereafter; ten pounds two, three, four, five, and six months after the issue of said certificates; and fifteen pounds at the end of seven months of the said issue.
7. The proceeds of the loans, minus one year's interest and the commission, as herein expressed, are to be deposited in a bank or banks in London, to be named by the contractors, and approved by his excellency, that the same may gain interest on the most favorable terms possible, and which will be subject to the conditions of this contract. That which may accrue on this deposit shall be applied to increase the sinking fund and the payment of the principal.
8. Said loan must be reduced to par within twenty years, by a sinking fund of five pounds per cent. per annum. The manner of paying said loan shall be by annual warrants, before a notary public in London. The said government nevertheless reserves to itself the right to redeem or pay said loan through the contractors at any time within twenty years.
9. The said loan is to be represented by the bonds of said States, to be prepared by the contractors and his excellency, and for the amounts which said contractors may deem convenient. Said bonds are to be signed by his excellency, and countersigned by said contractors, in their characters as such.

10. The sum necessary to pay the interest each half year, and that for the annual payment on the principal, together with the half per cent. upon them to be paid to the contractors, as hereinafter set forth, must be from time to time remitted to the said contractors, and be in their hands in London at least six weeks before the payments are due, as herein expressed, free of expense to the contractors, and in money sterling or its equivalent.

11. The security for said loan is thirty-five pounds per cent. of the impost duties of the United States of Colombia, which his excellency in the name of said States and their government specially hypothecates for the due payment of said loan and the interest thereon.

12. Said contractors shall have the right to appoint special agents in the various parts of said States where said duties may be paid, who shall receive and collect said thirty-five per cent., the expenses of said agents to be paid by the government of said States.

13. As an additional security for the payment of said loan, his excellency offers in the name of said government, subject to ratification by the congress of said States, to obtain which ratification at its next session his excellency binds himself to use his whole influence, the hypothecation of the reserves or remainder of said government in the Panama railroad, according to the existing agreement between the government and the Panama Railroad Company; and, besides, his excellency binds himself likewise to procure the hypothecation of fifteen per cent. of the proceeds of the salt mines, which remainder and fifteen per cent. are at present pledged as security for the existing loan of £200,000, contracted by said government or States through the London and County bank.

14. His excellency agrees and binds himself further, that the said government shall consent that the balance of said loan of £200,000, after it shall have been provided for and secured, shall be paid, to the satisfaction of said contractors, out of the proceeds of the present loan, in order that the said reserves in the railroad, and fifteen per cent. of the revenues of the salt mines, shall be held as securities for this loan, they being now in hypothecation for said loan of £200,000.

15. It is expressly agreed that the present loan shall be applied only to the objects specified in a law of said congress approved May 28, 1864, and to insure which, the product of said loan, minus the said sum to be paid to said contractors, as hereinafter stated, and minus £100,000 to be placed subject to the order of the government, as hereinafter expressed, is to be deposited in bank as already declared, that it may be employed according to the provisions of this contract.

16. The said sum of £100,000 is to be held subject to the order of the government, and will consist of the first proceeds of this loan, for payment by the government to the Buenaventura Road Company, in conformity to the law of May 28, 1864.

17. Said contractors shall have the right to appoint, at the cost of the government, special agents, who shall have the power to see that the products of this loan be applied exclusively to the objects of internal improvements or public works specified in said law of May 28, 1864, or any other law to the same end which the congress of said States may enact. The proceeds of this loan, subject to the dispositions of other parts of this contract, can only be withdrawn for the objects mentioned.

18. Said contractors offer to procure subscriptions for said loan, on at least for half the nominal value thereof, before offering it to the public, which subscriptions, nevertheless, shall not be obligatory until the contractors shall declare that the total amount of the loan is satisfactorily arranged by subscriptions.

19. The said contractors shall receive a commission of six pounds per cent, on the nominal value of said loan, and which commission is payable and shall be retained by the contractors out of the first products of said loan. Said commission shall be in full of all expenses incident to said loan, whether it be subscribed for or not.

20. The interest and principal of this loan shall be paid through the said contractors, who will receive one-half of one per cent. upon the amount thus paid by them.

In testimony whereof the parties hereto sign their names.

Mr. Burton to Mr. Seward.

No. 251.]

LEGATION OF THE UNITED STATES,
Bogota, July 2, 1866.

SIR: Among the unauthorized contracts celebrated in London by General Mosquera, late Colombian minister in Great Britain, and now President of this republic, were three for the purchase of three steamers, with a considerable quantity of arms and ammunition, and which have been confirmed by the congress. The contracts will be found in *Diario Oficial* No. 662, and the law approving them in No. 686 of the same journal.

The steamers, supposed to have belonged to the rebel blockade-running ser-

vice, have arrived in Colombian waters, one on the Atlantic and two on the Pacific. They are a positive burden to the nation. The arms and ammunition have been received by the government.

These are among the transactions mentioned in Nos. 249, 250, 252, 253, and 255, and are reported as showing in part the burdens which weigh on the Colombian treasury.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Burton to Mr. Seward.

No. 252.]

LEGATION OF THE UNITED STATES,

Bogota, July 3, 1866.

SIR: Referring to my No. 246 and to so much of my No. 217, as treats of the proposed construction of an interoceanic canal across the isthmus, I now have the honor to add the annexed papers relating to the same subject.

The congress declined to approve the grants made by ex-President Murillo during his administration, and that contracted by General Mosquera as Colombian minister in Great Britain, treated of in numbers above referred to; but enacted a law authorizing the President to grant a privilege for opening a canal to the best bidder after publication. The law is contained in *Diario Oficial*, No. 686, which, with a translation of the law, is hereto annexed.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Law disapproving the contract celebrated by the executive power on the 25th of January last with the agent of Henry Duesbury, esq., and defining a basis for the privilege of opening an interoceanic canal.

The congress of the United States of Colombia decrees:

ARTICLE 1. The contract celebrated by the executive power on the 25th of January last, with Señor Eustacio de la Torre Navaez, the agent of Henry Duesbury, esq., for the opening of an interoceanic canal through Colombian territory, is hereby disapproved, *in toto*.

ART. 2. The executive power is hereby authorized to enter into a contract granting the exclusive privilege for opening an interoceanic canal through any part of the Colombian territory on the following bases:

1. The grant shall be for the term of ninety-nine years, to be computed from the day on which the canal shall be opened to the public, and on which the grantee or his representative shall commence collecting tolls for the transit or navigation of the canal.

2. During the existence of the grant, the government shall not make or authorize any other company or individual to make a canal, putting the two oceans in communication through the territory of Colombia. If the grantee of the privilege shall construct a railroad as auxiliary to the canal, across said territory, the government shall not make or authorize any company or individual to make another interoceanic railroad over said territory during the existence of the privilege granted for the canal.

3. The canal shall be completed and opened to the use of the public within ten years from the date of this grant; but if from fortuitous circumstances independent of the will of the grantee, after the construction of a third part of the canal, it shall appear that it cannot be completed within the ten years, the executive power is empowered to extend the time for four years more.

4. The canal shall be so constructed as to be navigable by the largest vessels now in use, the Great Eastern excepted.

5. The grantee is hereby granted the unappropriated lands necessary for the excavation of the canal, the establishment of marine ports, landings, places of embarkation, moorings, warehouses, and in general for everything necessary for the construction and service of the canal, likewise the land which may be necessary for the line of the railroad, if it shall be made. These lands shall revert to the republic with the canal and railroad, at the expiration of the grant.

6. A belt of land on each side of the canal not exceeding 30 metres wide is also granted to the grantee, but along the whole line the neighboring proprietors shall have a perfect right to easy access to the canal and its ports, as well as to the road which may be constructed, without charge by the company.

7. If the territory on which the canal is to be excavated or over which the railroad is to be constructed shall in whole or in part be private property, the grantee shall have the right to appropriate it to his use according to law, and indemnity being made to him.

8. During the time the grantee shall hold the canal, he shall have the right to use the ports at the end of the canal for the anchorage of its boats, for the embarkation of goods to be left in said ports or transferred to other boats, in order to be sent on their way over the canal, in case they shall not have been destined to be sent over it by the boat bringing them; to use the intermediate ports necessarily and especially destined for storage and deposit free from all objects and merchandise which may be destined for transit, or to be disembarked at the intermediate ports, in which the republic shall have the right to place such agents as it may think necessary to prevent contraband traffic. The edifices which may be constructed by the grantee for deposits at the ports and landings shall be so arranged that a single person will be sufficient to guard against contraband.

9. The ports at either end of the canal shall be free and open for the commerce of all nations, and there shall be no import duties collected in them, except on articles intended for consumption in the republic. Said ports shall, therefore, be open to importation from the opening of the canal, and custom-houses and revenue guards will be established in them as the government may judge convenient, for the collection of the import duties on effects destined for other points in the Union and to guard against contraband. The employés which the government may esteem necessary to perform this service shall be paid entirely by the company, and their salaries fixed by the government.

10. The government of the republic declares forever neutral the ports at each end of the canal and its waters from one sea to the other; and consequently, in case of war between other nations, or between another nation and Colombia, the transit by the canal shall not be interrupted thereby; and the merchant vessels and persons of all nations of the world shall be privileged to enter said ports, and to pass through the canal, without molestation or delay, foreign troops excepted, which shall not be allowed to pass without the permission of congress.

11. War vessels of belligerents, whose manifest destination is to take part in hostilities, shall be prohibited from entering the canal.

12. The grantee shall have the right to introduce free of duty of any kind all the instruments, machinery, tools, materials for houses, provisions and clothing for the laborers, which may be necessary while constructing the canal.

13. No contributions, national, municipal or of any other kind, shall be imposed on the canal, the boats which may pass through its tow-boats, warehouses, wharves, machinery and other works and effects of the grantee, and which in the opinion of the executive power may be needed for the use of the canal, or its dependencies, during the existence of the grant.

14. The passengers, money, merchandise, objects and effects of every kind which may be transported on the canal, shall be exempt from every duty, national, municipal, or other character, whatever. This exemption shall extend to all the effects or merchandise which may remain on deposit in the ports, warehouses or landings of the grantee destined for the interior of the republic, or for a foreign country; but effects destined for exterior consumption shall pay the national duties or imposts existing at the time when they shall be removed from the warehouses of the grantee; to which end he shall act with the knowledge of the agents of the republic and in conformity to the laws and the regulations which may be dictated by the executive power.

15. Travellers passing over the canal shall not need passports, except in case of foreign war or internal commotion. If the executive power shall deem it proper to require them; but the vessels passing the canal shall be obliged to present in the port at the end of the same, on their arrival, their registers and other sea papers, which may be necessary according to the laws and public treaties, to entitle a vessel to its free navigation. Vessels which may not have such papers, or that may refuse to present them, will be detained and proceeded against according to law.

16. When duties or imposts are payable on effects introduced into the territory adjacent to the canal, the vessels will pass through it with their hatchways closed and sealed by the custom-house at the end of the canal at which such vessels may arrive, and will receive on board one or more government employés, to see that nothing carried by said vessels shall be landed during the transit. If, after passing through the canal, the owner of a vessel shall desire to disembark or sell the cargo at the port at the end thereof, he shall be allowed to discharge the cargo, the forms of law being duly observed.

17. Boats carrying effects for the use of the canal, agreeably to section 12, may enter

freely any point of the territory designated in the first part of this article when the same shall be necessary for the work on the canal or its commencement, although there may be no custom-house at such point. And to prevent fraud, previous notice shall be given to the proper custom-house of the port to which such vessels are bound.

18. During the existence of the grant, the grantee shall have the exclusive right to establish the tariff of prices for passing the canal, the use of the landings, warehouses, and wharves, provided they do not exceed the following rates: 75 cents per ton for vessels in ballast, \$2 per ton for vessels laden, \$10 for each person, and one-half of one per cent. on gold, silver, and platina, coined or in bars, and upon precious stones. These prices shall always be the same for the individuals, vessels, merchandise, and property of all nations, and no vessel shall pass the canal without having paid said prices. Nevertheless, all craft belonging to the government of the United States of Colombia, or that may be in its service exclusively, shall pass through the canal and enter its ports free of any charge by the company.

19. The enterprise of the canal is considered of public utility.

20. The Colombian government will dictate the appropriate regulations to prevent contraband trade which the grant of this privilege shall render necessary.

21. The grantee is authorized to propose to the executive power the regulations which he may believe fit for the police, use and security of the canal, ports, works, and establishments of every kind, but such regulations shall not be carried into effect without the express approvement of the national government, which, after approving, may reform or repeal them, as it may think proper, proceeding in all such cases in accordance with the laws of the republic.

22. In consideration of the right to collect toll the grantee shall be bound to transport with care, punctuality, and without regard to nationality, the passengers, animals, merchandise, goods, and materials of every kind that may be intrusted to him. The transportation shall be made without any special abatement of the tariff of prices other than that which may accrue to nations that have bound themselves by public treaties with the United States of Colombia, to guarantee positively and effectively to this republic the rights of sovereignty and property on the isthmuses of Darien and Panama, and the adjacent coasts, and the perfect neutrality of said isthmuses and their ports, to the end that the transit by these isthmuses and the canal shall never be interrupted, but it is expressly understood that the United States of Colombia, Colombians and their property shall enjoy all the benefits and advantages that any other nation may obtain in virtue of the provisions of this article.

23. The grantee shall transport gratuitously in their vessels the men in the service of the Union whom it shall be necessary to transport by the canal, or by the railroad auxiliary thereto, for the purpose of preserving public order or for foreign security, and if the company shall not have vessels, those which shall be used for this purpose shall be exempt from the payment of tolls or taxes of any kind whatever.

24. The grantee shall be bound to transport from one end to the other of the canal or railroad all the mail matter of the republic or that may come from foreign countries, receiving for this service one-third of the sums which may be collected for receiving, carrying, and delivering said mail matter, agreeably to the contracts which the company may make for the purpose, with the approbation of the government. The other two-thirds shall belong to the United States of Colombia.

25. The grantee shall be obliged to execute at his own expense, risk, and danger, all the works necessary for the establishment and construction of the canal between the two oceans by the route which he may select in any part of the Colombian territory.

26. The grantee shall pay to the government of Colombia, for the first twenty-five years, eight per cent. of the net profits of the enterprise, without making any deduction from the earnings for the interest on the capital invested in the work, nor of any sum which may be destined as a sinking or reserved fund. And for the adjustment of said per cent. the government will see, in the same manner as the shareholders in the enterprise, to the liquidation of its accounts according to the by-laws of the company, and of which accounts, the cost of the undertaking, its books and papers, such agents as the government may name shall have power to take possession, and to make such observations and demands as may be just, like any other shareholder, but he shall not have the right to intervene in the management of the affairs of the enterprise. The payment of this percentage shall be made annually where the executive power may designate. The grantee shall guarantee this percentage shall not be less than \$600,000 annually, so that \$600,000 shall be the minimum which the government will receive in any event.

27. At the expiration of the grant, the canal wharves, warehouses of deposit, edifices, and works of the enterprise at the end and along the route of the canal or in anywise connected with the canal or its management shall become the property of and be delivered to the republic with the railroad that may be constructed in aid thereof, and its appurtenances. In this purpose, after the completion of the work, the grantee shall make at his own expenses, in conjunction with the agents of the government, a descriptive inventory of the canal edifices and works connected with it, and of everything of value to be delivered to the republic. The grantee shall also make a like statement of all the works of a like nature which he shall make during the existence of the grant.

28. An exact duplicate, duly authenticated, of the documents mentioned in the foregoing

article, shall be delivered by the grantee in the department of the government to which the branch of public works may belong, that it may be deposited in the national archives for whatever use may be necessary during the existence of the grant or after its expiration.

29. The grantee shall be obliged to make, one year before the expiration of the privilege, notice being given to the agents of the government to be named for the purpose, an appraisal and description of the works which are to be delivered to the republic, and deposit the same in such office as the executive power may designate, for use at the delivery of the canal and appurtenances to the government.

30. The grantee shall give security for the performance of the obligations in which he may bind himself, by depositing \$150,000 in American dollars in Bogota, London, or New York, as the executive power of the republic may direct, as follows: \$60,000 immediately on the approval of the contract by the executive power, and the remaining \$90,000 within three months thereafter at the rate of \$30,000 a month. Said deposit will not carry interest without interest on account of the dividends of the republic arising from the proceeds of the canal.

31. The grantee shall not sell, assign, or transfer this grant in any manner, to any foreign nation or government, nor apply in any case to any foreign power to intervene in any differences that may arise with respect to the same or to the works which may be constructed under it, but said differences shall always be decided by the judges and according to the laws of the republic. And in no case shall any right, immunity or exemption be claimed not expressly recognized in this grant.

32. In case the canal shall pass through any territory embraced by the privilege conceded to the Panama Railroad Company by the contract of April 16, 1850, the grantee shall be at the expense of obtaining the assent of said company to the construction of the canal.

33. The grantee shall bind himself to organize a company for the excavation of the canal, and to reserve one-tenth of the shares for Colombia capitalists who may wish to take part in the enterprise by not disposing of them until the end of six months after the organization of the company. Everything stipulated in this contract is to be understood as accepted by the company.

34. This grant shall be forfeited in the following cases:

1. If the grantee shall fail to make the deposit named in section 30 to the satisfaction of the executive power of the republic; 2. If the route of the canal be not explored and fixed within eighteen months; 3. If the work shall not be commenced in due form within the two first years of the ten given for the construction of the canal; 4. If the canal be not completed at the expiration of the time fixed in section 3 for its construction; 5. If the company shall attempt to sell the grant to a foreign nation; 6. If the company shall co-operate in any rebellion against the government of the republic; intended to overthrow its dominion over the territory through which the canal may pass; and 7. When the transit of the canal shall be suspended for more than six months, save in cases of inevitable accidents as defined by the ordinary laws.

(This expression, "leyes comunes" in the original, shows that the bill was drawn by an English lawyer, and should no doubt be translated "according to the common law." There is no such expression in the legal parlance of this country, or any other country in which the Roman civil law is the basis of its jurisprudence and legislation.—TRANSLATOR.)

35. In the first case of forfeiture mentioned in section 34, the forfeiture shall be declared by the executive power immediately on the expiration of the time fixed for the deposit of either of the stipulated sums. In cases 2 and 3 named in said section, the executive power shall also declare the forfeiture if the route shall not be explored and located as stipulated, or if it shall appear by credible documentary evidence that no labor has been begun on the canal within the period fixed by said section: but if any labor shall have been performed, so that there is cause to doubt whether the company may have incurred or not the forfeiture named in the 3d case provided for, the judiciary shall determine the matter.

36. In cases 4, 5, 6 and 7, of section 34, the judiciary of the Colombian Union shall decide the questions of forfeiture.

37. In case of a declaration of the forfeiture of the grant or privilege, for any case the loss to the company shall accrue in favor of the republic; first, the sums pledged as security according to the requirements of section 30; second, all the unappropriated lands granted to the company by sections 5 and 6, which lands in the condition in which they may be at the time, shall revert to the republic; third, all the works, edifices, and improvements which shall have been made by the company in their then state, and the materials which shall have been prepared for any of the works on the canal or its appurtenances. The republic will make no indemnity for the edifices, works, improvements, and materials which may pass from the company to the government according to the provisions of this section.

38. The government of the United States of Colombia and the company that may secure the privilege shall be mutually bound to take the necessary steps with the governments of England, Prussia, Holland, France, and the United States of America, to induce them to guarantee positively the neutrality of the canal and sovereignty of the republic over the territory through which the canal may be constructed, the isthmuses of Panama and Darien and the adjacent coasts.

39. The diplomatic or consular agent of the republic resident in the domicile of the company

shall be a member *ex officio* of the directive council thereof, with all the prerogatives which the other members may enjoy by the by-laws of the company.

40. The company shall bear, as general expenses of the enterprise, those which may be necessary to maintain the public force which may be judged necessary to preserve security to the interoceanic transit.

ART. 3. The executive power is authorized to demand as a condition of granting said privilege, that the grantees oblige themselves to enter into contract with the founders and partner and inspector general of the Buenaventura wheel-road, now in process of construction, to convert it into a railroad from the port of Buenaventura to the point on the river Cauca near Cali, by receiving the work now being executed and the available funds. The company shall grant to the national government, to that of the State of Cauca, and to the individual shareholders, shares in the new enterprise equal in amount to the sums paid by them respectively to the said Buenaventura Road Company.

ART. 4. The contract alluded to in the foregoing article shall be a simple transfer of the Buenaventura road privilege without imposing any burden on the national treasury.

ART. 5. If the privilege shall not be adjudged to Mr. Henry Duesbury, or to the company of which he is or may become a member, the executive power shall immediately order the return of the \$120,000 received by the government of the republic in consequence of the agreement for the excavation of a canal celebrated on the 25th of January last between the agent of said Duesbury and the President of the United States of Colombia.

ART. 6. The executive power will cause this law and a project of a contract to be published in the most notable periodicals of Europe and North America, and will fix a prudent time for receiving proposals by a commissioner to be named in London, or other place which he may deem most appropriate, and accept the most advantageous offer, which the executive power of itself will approve finally: provided always, that the stipulations of the contract be in accordance with this law; and if they be not, the approval of the congress shall be necessary to the validity of such contract.

Done in Bogota, June 27, 1866.

SANTOS ACOSTA,
President of the Senate of Plenipotentiaries.
ANIBAL GALINDO,
President of the House of Representatives.
AURELIANO GONZALES,
Secretary of the Senate of Plenipotentiaries.
FRANCISCO V. DE LA ESPRIELLA,
Secretary of the House of Representatives.

BOGOTA, June 27, 1866.

Let this be published and executed.

T. C. DE MOSQUERA.

FRANCISCO AGUDELO,
Secretary of Finance and Public Works.

Mr. Burton to Mr. Seward.

No. 253.]

LEGATION OF THE UNITED STATES,
Bogota, July 4, 1866.

SIR: The Colombian congress closed its session for this year on to-day. The contract of sale entered into by the late Colombian minister in London, General Mosquera, now President of the republic, with Mr. William Henry Cotterill, transferring to the latter and his associates the national remainder in the Panama railroad, was not approved.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A 2.

Agreement for the sale of the remainder in the Panama railroad.

An agreement entered into this February 6, 1866, between his excellency Don Tomas Cipriano De Mosquera, Great General of Colombia, envoy extraordinary and minister plenipotentiary of the United States of Colombia near the court of St. James, denominated in this

writing with the title of his excellency, of the one part; and William Henry Cotterill, gentleman, of Throgmorton street, London, of the other part: For that whereas the said William Henry Cotterill, in the name of his principals, has proposed to his excellency to buy, on the terms and under the conditions hereinafter set forth, the remainder of said United States of Colombia in the Panama railroad reserved to them by the contract with said railroad company for the construction of a railroad across the isthmus of Panama, and the first term of which will expire in 1875, when by the terms of said contract said States will have a right to said railroad and its appurtenances on the payment to said company of five millions of dollars; and whereas his excellency has agreed to accept said offer, subject to its ratification by the government and legislature of said United States of Colombia, the parties have therefore agreed on the following:

1. The said William Henry Cotterill, in the name of his principals, agrees to buy, and his excellency, in the name of the United States of Colombia, agrees to sell and transfer to the said William Henry Cotterill, or his assigns, the rights which said States have or may have under said contract for the sum of £2,000,000, to be paid and applied as follows: the sum of £200,000 to be paid to such person as the government shall name for the purpose, within three months after the approval and ratification of this contract by the government and legislature of said States, and the notification thereof to the said William Henry Cotterill in this country. The sum of £800,000 shall be paid to the said government of such person as it may name to receive the same in this country, and to be paid at any time within six months next preceding the expiration of said first term, in 1875. And there remainder of a million of pounds sterling shall be paid by the said William Henry Cotterill, or his assigns, to the said railroad company in satisfaction of the sum stipulated by said contract to be paid at the expiration of the said first term for the railroad and all its appurtenances.

2. His excellency hereby binds himself to assign and transfer to the said William Henry Cotterill and his assigns, as part and parcel of this contract, all the rights, privileges, benefits, and advantages which the said States possess or are entitled to in virtue of said contract, and to permit the said William Henry Cotterill and his assigns to exercise them, and the said State and government hereby bind themselves to make effective to the said William Henry Cotterill and his assigns, whenever they may require it, all the rights, privileges, benefits, and actions which the said government and States may be entitled to against said company under said contract.

3. His excellency, as part and parcel of this contract, binds himself that said contract shall be extended in favor of said William Henry Cotterill and his assigns for the period of seventy years after the expiration of its last term, which will expire in the year 1904.

4. It is expressly understood, nevertheless, that in all cases, the right, power, and privilege, without restriction, to transmit and carry mails of all kinds across the said isthmus of Panama by said railroad, this right being reserved to said States and their government unconditionally, by the said government paying for the transit of said mails one-third of what it may receive for said transit.

5. It is expressly understood and hereby declared that this agreement is subject to the condition of being confirmed by the said William Henry Cotterill and his principals, after they shall be notified of its ratification by the government and legislature of the said States.

In testimony whereof, the said parties to the agreement have signed the same the day and year above written.

Signed by the said William H. Cotterill, before Edward W. Gallagher, of 32 Throgmorton street, London, employé of Messrs. Cotterill & Son.

W. H. COTTERILL.

BOGOTA, May 22, 1866.

A copy:

PROSPERO PEREIRA GAMBA,
Secretary of Hacienda and Fomento.

Mr. Burton to Mr. Seward.

No. 254.]

LEGATION OF THE UNITED STATES,

Bogota, July 5, 1866.

SIR: Our national anniversary was celebrated here this year with even more spirit and enthusiasm than heretofore. At one o'clock the "Comandante General" with a full staff tendered the felicitations of the President, with the request that I should convey the same to the President of the United States. At the same time a salute of twenty-one guns was fired on the principal plaza, the plaza de Bolivar. In the evening the military in the city, with three bands of martial

music, saluted the flag as it was being taken in. Through the day the attendance at the legation was more numerous than usual. The congress, after passing complimentary resolutions, adjourned; and most of the members, the representatives of foreign nations, members of the cabinet, the supreme court in a body, the President of the State of Cundinamarca with his staff and secretaries, the city government, professors, and students in the colleges and schools, and principal citizens, paid their respects. The usual speeches of congratulations were pronounced and answered. The manifestations of respect and friendship for our country were highly satisfactory.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

B.

Señor Acosta to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA—LEGISLATIVE POWER OF THE UNION—PRESIDENCY OF THE SENATE OF PLENIPOTENTIARIES—NUMBER 3.

The undersigned, president of the senate of plenipotentiaries, has the honor to address the Hon. Allan A. Burton, minister resident of the United States of America, for the purpose of transmitting to him the following resolution this day adopted unanimously:

"The senate of plenipotentiaries records with satisfaction the memorable 4th of July, the anniversary of the independence of the United States of America, and takes pleasure in remembering that that gigantic people reckon among the most illustrious names of its most distinguished citizens the immortal names of Washington and Lincoln, who were the friends of humanity and enemies of tyranny. Let this be communicated to the citizen great general President of the Union, and to the Hon. Mr. Allan A. Burton, the representative in Colombia of that great nation."

The undersigned improves this opportunity to subscribe himself his excellency Mr. Burton's very attentive servant,

SANTOS ACOSTA.

Mr. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

C.

Mr. Burton to Señor Acosta.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, July 5, 1866.

The undersigned, minister resident of the United States of America, has had the honor to receive the attentive note which the Hon. General Santos Acosta, president of the senate of plenipotentiaries of the United States of Colombia, was so obliging as to address him on yesterday, communicating a resolution of that august body of the same date, commemorative of the anniversary of the independence of the American Union, and of the names of Washington and Lincoln, the one its father and the other its saviour.

This spontaneous and eloquent manifestation of friendly regard and sympathy has inspired in the undersigned emotions of profound gratitude that will be received by the government and people of his country, to whom he will not delay to make it known, with peculiar sensibility and fraternal appreciation, and on whose part he prays to offer in advance to the honorable senate, and to its members individually, the most sincere thanks.

The undersigned seizes this auspicious occasion to assure his honor the president of the senate of plenipotentiaries of the Colombian Union of his most distinguished consideration and esteem.

ALLAN A. BURTON.

Hon. General SANTOS ACOSTA,

President of the Senate of Plenipotentiaries, &c., &c., &c.

D.

Señor Morro to Mr Burton.

[Translation.]

UNITED STATES OF COLOMBIA—DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTA, July 4, 1866.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, has the honor to place within the knowledge of the Hon. Allan A. Burton, minister resident of the United States of America, that the senate of plenipotentiaries in its session of to-day has unanimously approved the following proposition:

"The senate of plenipotentiaries records with satisfaction the memorable 4th of July, the anniversary of the independence of the United States of America, and takes pleasure in remembering that that gigantic people reckon among the most illustrious names of its most distinguished citizens the immortal names of Washington and Lincoln, who were the friends of humanity and enemies of tyranny. Let this be communicated to the citizen great general President of the Union, and to the Hon. Mr. Allan A. Burton, the representative in Colombia of that great nation."

It affords the undersigned pleasure to transmit to the Hon. Mr. Burton the foregoing resolution, and offering wishes for the prosperity and aggrandizement of the American Union. He has at the same time the honor to renew to the honorable minister resident of the United States of America protestations of the distinguished consideration and esteem with which he subscribes himself the Hon. Mr. Burton's very attentive obedient servant.

M. MORRO,

Assistant Secretary, for the Secretary.

Hon. Mr. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

E.

Mr. Burton to Señor Garrido.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, July 5, 1866.

The undersigned, minister resident of the United States of America, has received with feelings of grateful appreciation the resolution of the honorable senate of plenipotentiaries of the United States of Colombia, which accompanied the esteemed note of his excellency the assistant secretary of the interior and foreign relations, of yesterday, commemorative of the national anniversary of the American Union and of the names of Washington and Lincoln, whose memories, linked with those of Bolivar, Santander, and Sucre, will ever be held in sacred veneration by the peoples of the Americas and by the friends of humanity everywhere.

The undersigned prays his excellency to convey to the honorable senate the assurances of the sincere gratitude and esteem with which he accepts on the part of his countrymen this high tribute of respect and friendship, and of their perfect reciprocation of the sentiments which inspired it.

The undersigned would be an unfaithful interpreter were he to forego this opportunity to give expression, likewise, to the peculiar sensibility he has experienced from and with which the government and people of the United States will receive the cordial demonstrations of fraternal sympathy displayed towards them on yesterday by the Colombian government and people of this capital, and hastens to tender his grateful acknowledgment of the distinguished honor done him and his country on that auspicious day.

The undersigned avails himself of this opportune occasion to repeat to his excellency the assurances of his highest consideration and regard.

ALLAN A. BURTON.

His Excellency Señor JOSÉ M. ROJAS GARRIDO,

*Secretary of the Interior and Foreign Relations, &c., &c., &c.**Mr. Burton to Mr. Seward.*

No. 255.]

LEGATION OF THE UNITED STATES,

Bogota, July 6, 1866.

SIR: After the best consideration I was able to give the subject, it appeared to me that the best reply to be given to the note of the foreign secretary of

October 16th, 1865, complaining of the proceedings of Rear-Admiral Pearson at Panama in September last, on the occasion of the burial of the late Consul McKee, was the despatch at length from the department, No. 139. I therefore incorporated it literally in my answer, excepting a few verbal changes to adapt it to the purpose.

As I still continued to hear of President Mosquera's repeating his admiration and friendship for Great Britain, and of which I spoke in my No. 244, with an occasional disparaging remark of the people of the United States, it seemed desirable to ascertain the President's real sentiments if possible, before giving an answer, and to withhold it for the present, or at least the declaration contained in the concluding paragraph of despatch No. 139, in case it should turn out that he is really hostile to our country. To this end I had a confidential interview with a government official, not the foreign secretary, but of much greater influence in the administration, a former adviser of General Mosquera and friend of our country, in which I said, that this course of General Mosquera since his return from Europe had given me no concern whatever except so far as it might be calculated to make wrong impressions among Colombians. That the United States cherished the most fraternal feelings towards this country, and their highest interest in it was its well being; but at the same time were prepared to dispense with the friendship of any country which they could not have on terms of mutual interest and respect; and if General Mosquera was really sincere in his declarations in this respect, and which it seemed to me he had taken pains to repeat on unnecessary occasions and with unnecessary frequency of late, and Colombia following his lead should choose to go after strange gods, the United States, although her natural friend and ally, could have no other interest than to conform their conduct to the exigencies of an emergency so unnatural, unexpected, and unwelcome.

He answered that he had deeply lamented this uncalled-for and unwise conduct of General Mosquera, but that he was sure that it did not proceed from any unkind feelings for the United States entertained by the general; that his late course here and in England was the result purely of the cupidity of old age; that from one of the most generous and unselfish of men he had become one of the most sordid and avaricious; that it was humiliating to know that his whole late proceedings in England had been dictated by selfish and unworthy motives; that he really believed his mind was unsettled, and that the Colombian people would resist by revolution before the ruinous and unauthorized contracts entered into by the general in London should be imposed upon the nation; and further, that a revolution would be the sure consequence of a policy on the part of the national administration which might justly interrupt the present good understanding between the two countries.

I believe this gentleman was correct in the foregoing opinions.

On the same day of this conversation the British minister called to speak with me about an unacceptable note addressed him by the foreign secretary. In the course of the interview he said that "Mosquera is putting on airs, affecting the ways and style of an emperor. He pretends to be very much in love with everything British about this time, because he wants more money. Should the congress confirm his London loan contract not a single shilling could be raised on it. I am very much inclined to believe all his London contracts mere shams."

I am disposed to think the minister was sincere in this statement and that it has some foundation.

Taking all the circumstances into consideration, I decided to send in my reply containing the whole of the despatch No. 139, and I believe its acceptance by the Colombian government has justified my decision. See C, hereto annexed.

Two days after receiving the acknowledgment of my note, I called on the President and was flatteringly received. He expressed himself much gratified at the stand taken by the United States, and requested me to say that he had

written the answer to my note with his own hand. He said he would reprimand the President of Panama as he deserved. The interview was quite satisfactory.

Although General Mosquera's opponents generally, and a considerable number of his well-informed friends, have repeatedly asserted to me that he is certainly unfriendly to our country, I have not yet felt that I would be justified in adopting this conclusion; and moreover, if he holds such sentiments, circumstances are not favorable to his allowing them to influence his action. Be his feelings or purposes what they may, however, his late proceedings in England, if carried out, must be prejudicial to us. In connection with this subject I beg to refer to my Nos. 249, 250, 251, 252, and 253.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

A.

Commander Pearson to Mr. Burton.

UNITED STATES FLAG-SHIP LANCASTER,

Honolulu, S. I., December 30, 1865.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 15th of October last, relative to the landing of troops in Panama. The troops landed were a guard without ball cartridges, for the funeral honors of the late Colonel McKee, United States consul at that place, and the ship's band of music without any arms whatever. As I have forwarded to the Navy Department the correspondence between the President of Panama and myself on that singular and frivolous matter, it will be unnecessary for me to trouble you with it any further.

As to the President, Jil Colunje, he shall always be respected for the office he holds, although he has never extended to me the usual courtesies of other nations, on my arrival in the port of Panama.

I have not heard anything from the honorable Secretary of the Navy relative to my despatch stating the whole of the transaction to the department.

It would afford me much gratification to see you on board this ship whenever you can find time to visit her.

I have the honor to be, most respectfully, your obedient servant.

G. F. PEARSON,

Acting Rear-Admiral, Commanding U. S. Pacific Squadron.

His Excellency ALLAN A. BURTON,

United States Minister Resident, Bogota.

B.

Mr. Burton to Señor Garrido

LEGATION OF THE UNITED STATES OF AMERICA.

Bogota, June 22, 1866.

The undersigned, minister resident of the United States of America, being instructed as to the views of his government concerning the matters treated of in the communication addressed him by his excellency the secretary of the interior and foreign relations of the United States of Colombia, under date of October 16, 1865, touching certain proceedings at Panama in the month of September of that year, by Rear-Admiral G. F. Pearson, on the occasion of the burial of Alexander R. McKee, esquire, late United States consul in that city, has now the honor to reply to the observations which his excellency was then pleased to make. In proceeding to do so, it may be useful to recur briefly to the facts connected with the occasion referred to, as presented in the note of his excellency and its accompanying papers.

Alexander R. McKee, esquire, late consul of the United States at Panama, departed this life on or about the 1st of September last. His death appears to have been profoundly lamented by the authorities of the United States of Colombia at that place, as well as by the citizens and naval agents of the United States who were residing there, or were on duty in

the vicinity. A stranger in a foreign country, it was natural that his countrymen who were thus sojourning there should be moved to pay to his remains the customary duties of tenderness and respect.

So far as the facts can be ascertained from the papers just mentioned, it does not appear that the public authorities of Colombia, or those of the State of Panama, assumed to themselves the performance of any duties whatever in relation to the funeral obsequies of the deceased. The supposition is to be indulged that the preliminary arrangements for those obsequies were made exclusively by private and unofficial parties who had been acquaintances of the consul. It does distinctly appear that the authorities of Colombia, or those of Panama, made no communication whatever concerning the occasion to Rear-Admiral Pearson, who was then on board of the ship *Lancaster* in the port of Panama, and in command of the United States squadron on the Pacific.

The funeral was appointed for the 4th of September. In the morning of that day, at the hour appointed, Admiral Pearson landed from his flag-ship, attended by a small marine guard provided with cartridges without balls, and an unarmed band of music, which unarmed band and practically unarmed guard were attached to the naval service on board the flag-ship. The rear-admiral's object in landing the marines was to pay the customary naval honors to the remains of the deceased consul. The admiral, however, had given no notice to the authorities at Panama, State or federal, of his purpose or desire to pay those honors in that form. The obsequies proceeded; the naval honors were paid by the admiral, together with the marines and band, and all are understood to have returned quietly to the flag-ship. It is not alleged that any disorder or disturbance occurred, or any offence was committed, or that there was menace otherwise than what was constituted by the fact of the landing of these naval mourners on the shores without permission previously given by the national or State authorities at Panama.

Upon this state of facts, the President of the State of Panama, one of the constituent States of the republic of Colombia, on the 6th of September addressed a note to Rear-Admiral Pearson. In that note the President of Panama stated, that on the day of the funeral he, (the President,) with the other public superior functionaries, national and State, residing in the city of Panama, were prepared to attend the funeral obsequies of the late consul, whose death was so justly deplored, when the President perceived that a party of armed people belonging to the United States marine had disembarked, together with a band of music, to do honor to the civil and military rank of Mr. McKee. This discovery, the President said, placed him under the painful necessity of declining, and causing the other authorities to decline, attending the obsequies, because no permission for such disembarkation had been asked of him, he being the first authority in the State of Panama. The President in his note alleged that it would have been very natural for him to have granted such permission, especially in consideration of the fact that neither the national nor State authorities in Panama had there any band of martial music, nor any body of troops to contribute in giving new gravity to the ceremony.

The President then argued that the disembarkation of the marines with a musical band, without permission being first solicited, might be understood unfavorably if it should pass unnoticed; that his silence on the occasion might be taken as an agreement, thereafter, for neglecting the correct usages of the law of nations.

Having made the explanation, the President closed with saying that he expected, therefore, that in case it should be necessary to disembark armed naval forces in future, it would not be done without the consent of the authority at Panama, which represented the sovereignty and independence of the nation.

Rear-Admiral Pearson replied to the President on the 8th of September to the effect following, viz: After reciting the facts in the case, the rear-admiral said that he regretted that the President had not attended the funeral services of a consul so much beloved; that he could do no less than to express also the impressions which had been made on his mind by the President's statement of his objections to the presence of the marine guard and the marine band at the funeral ceremony.

The admiral having adverted to the facts that the marine guard were furnished with cartridges only, without balls; that the band of music was unarmed; that their only object was to honor the remains of the consul, then took notice of the complaint of the President that the disembarkation was contrary to the rights of nations.

The admiral said he knew perfectly well that armed troops should never put foot on the territory of a friendly government without special permission from its chief; but in the present case he added: "All the city was mourning the loss of a friend, and it never occurred to me that anything I might do in honor of his memory would be taken in any other sense than joining in the general grief of all, including the President, and the other employés of the government." "Besides," continued the admiral, "at the time the city was overhung with a cloud of sadness, which prevented lending attention to little forms, no one thinking of anything but in contributing to the deceased, the much loved Colonel McKee, the melancholy homage, whose remains were to be immediately buried."

Passing from that point, as it would seem to the conclusion of the President's letter, the admiral said: "I will here take the liberty to assure your excellency that, in conformity with my orders to the squadron of my command, armed troops will land immediately when-

ever it is necessary to fulfil the stipulations of the treaty between the United States of Colombia and the United States of America, and especially when the railroad and its passengers are in danger."

"You inform me," the admiral continues, "that for the future you hope when it may be necessary to land armed troops, it will not be done without the consent of your excellency. There is not the least objection to asking this permission; but I believe it to be my duty to give you notice that in case of alarm the required force of the squadron for an immediate service would probably be detained from arriving in Panama at least two hours, waiting to communicate with the city and receive permission from your excellency. In consideration of the conditions of the treaty, it is believed that armed troops may be landed at any moment; and our late consul and others anxiously desiring it, I have ordered the marine troops to land when there was any danger, to protect the consulate and the naval depot, without permission from the authorities, and I am disposed to do the same again, convinced that such conduct will not only be agreeable to the consul and naval storekeeper, but also to the President of the State, since it will contribute to the promotion of good order."

The admiral concludes with saying to the President: "Do not think for a moment, however, that I dispute your legitimate right to wish that permission be asked, by means of an officer, to disembark armed troops in time of necessity, or to do the customary funeral honors at the death of an employé of the United States, or to land a band of unarmed musicians. All this, besides being your lawful duty, it would give me pleasure to carry out, by means of an order to the commanders. I shall also remit to the government of the United States a copy of your communication, and a copy of my answer, to the end that if at any time the force under my command shall be delayed, in case of any emergency, in consequence of my awaiting your consent to the disembarkation, it may not be attributable to me."

Having now set forth the material facts of the correspondence which took place in September last between the President of Panama and the acting rear-admiral of the United States, concerning the occurrence referred to, it is proper, in the next place, to allude to the representations which that correspondence elicited from his excellency Señor Santiago Perez, then secretary of the interior and foreign relations of the republic of the United States of Colombia.

In his excellency's communication of the 16th of October last, already referred to, the secretary wrote in effect these words: "The neutrality of the isthmus, or of the sovereignty of New Granada (now the United States of Colombia) over it, guaranteed by the United States of North America, in the thirty-fifth article of the treaty of 1846, are rights pertaining to Colombia—rights the effectiveness of which it belongs to her to demand at the time and under the circumstances which may be convenient to her and equitable. But that guarantee of the neutrality of the isthmus, and its sovereignty to Colombia, does not oblige her to submit to the measures which the United States of North America, or any agent of theirs, may pretend to impose on her in derogation of the national dignity, and not only without the requirement of the local authorities, but in spite of them."

The secretary proceeded to write further, to the effect that "the local authorities of the State of Panama, or as agents of the national government, respectively, in virtue of their powers, and in the fulfilment of their duties, have to maintain on the isthmus the public security, and the guarantees due its inhabitants and persons who may be transiently there. In the discharge of their duties said authorities would employ the means at their command, and require such assistance as they may find necessary, and to which they may be entitled, provided it can be so given as stipulated."

The secretary continued his argument in substance in these words:

"Otherwise, assistance would not be assistance, and the employment of a foreign force, although under alleged necessity or convenience, would be rather to have it imposed than asked; an act inadmissible by the legitimate authorities of that territory, and unacceptable according to the most primitive notions of public law."

The secretary proceeded to write further, as follows:

"Agreeably to the said 35th article, said guarantee is expressly declared to be an especial compensation for favors acquired by the United States of North America in that State. The guarantee is, therefore, not a right pertaining to them, but an obligation, a service contracted by them—a service, it is true, which redounds to their interest, but which cannot take the character of a power or jurisdiction. But by giving to said guarantee the interpretation implied in the pretensions of Rear-Admiral Pearson would be to convert it into an additional favor to the United States of America—a favor which would require on the part of Colombia the abdication of her dignity. The propriety of opportunely appealing to the necessary measures to preserve in all cases security on the isthmus must be decided by the power intrusted with its preservation—a power which represents the national sovereignty, and at the order of which, within the respective limits, agents are to be maintained whose duty it is to lend effective assistance."

"Who has borne the responsibility arising from a want of order or security on the isthmus when disorders have occurred? The use, therefore, of the forces the United States of North America for the preservation of order and the maintenance of the sovereignty of Colombia on the isthmus has to be determined by the Colombian authorities themselves, and not by the

chiefs of those forces, whatever may be the apparent inconvenience in any case to the latter, inconveniences to be foreseen and removed by him who is responsible for the disturbances.

"Such is the understanding and the grounds taken by the Colombian government with respect to the part in question of the treaty with the United States of North America. It is sure that such is the understanding and views maintained by the minister resident, whom the undersigned has the honor to address, and to request of him an express opinion on the point. The way of transit across the isthmus shall be opened to the citizens and government of the United States of North America agreeably to said article 35, but neither this nor any other article of the treaty implies the right to disembark troops in that territory without previous notice, and then subject to the conditions of the treaty. Much less does it imply the right to disembark North American forces in order that they may go through exercises on Colombian territory or occupy it in organized bodies or regiments in any operation whatever. The right to disembark and of transit will always be subject to the compact between the two nations, and in cases of resistance, to the judgment and demand of the local authorities, who in this particular act as the agents of the national government.

"In this sense, instructions have been given to the government of the State of Panama, and it is hoped that the minister resident of North America, finding all the foregoing in strict accordance with the existing treaty, and with the well understood interests of both countries, he will be pleased to communicate his orders accordingly to the agents of his nation on the isthmus that they may desist from, and put an end to, whatever pretences they have manifested or that they may manifest to the contrary."

Having thus recited the various points in this extraordinary correspondence, it only remains for the undersigned to communicate the opinion of his government concerning the same.

The government of the United States is of opinion that the entire controversy is uncalled for by any proceedings which have been taken by Admiral Pearson or by any exigency that has arisen in its relations with the government of Colombia, and, therefore, that the discussion is entirely unnecessary.

The United States of America are sincere friends of the United States of Colombia. The former are not now under any necessity to confess the obligations or to claim the benefits which result from that most interesting relation.

When the circumstances of the death of the late esteemed consul at Panama, Mr. McKee, are considered, it does seem that Admiral Pearson might reasonably have expected, in view of the relations which he sustained to both countries, that the national State authorities at Panama would first communicate with the admiral in regard to that lamented event. It is, however, not to be wondered at, that, impressed by the general and overwhelming sense of the calamity which had befallen both countries, the authorities at Panama omitted to make such a communication. In the absence of such a communication it is admitted that it was the duty of the admiral to address himself to the national and State authorities at Panama, and to express his desire to attend the funeral obsequies of the deceased, giving notice of the form of ceremonial which he had adopted. The government of the United States of America regrets his failure to do so, though it thinks criticisms upon that omission by the federal and State authorities at Panama, under the peculiar circumstances of the case, are uncalled for, and unkind. It is thought that when Admiral Pearson appeared on the wharf attended by a detachment of marines, furnished only with cartridges, and with the ship's band of music, for the purpose of attending the funeral of Mr. McKee, it was the right of the President of Panama, or other representative of the national government of Colombia, to ask of the admiral an explanation of the character and object of his landing. It is now manifest that such an explanation as would have been entirely satisfactory could and would then have been given. It is exceedingly regretted that it was not asked. No complaint, however, is made against the Colombian authorities for omitting to ask the explanation. On the other hand, it is believed that a review of the whole subject would satisfy the friendly government of Colombia that the President of Panama, on that occasion, took a jealous attitude which would have better become an agent of a party holding relations different and more unfriendly than those which at present exist between the United States of Colombia and the United States of America.

It would have been entirely proper for him to ask of the admiral in a friendly manner an explanation of his proceedings in landing with the marines and musicians on the occasion referred to, and to have limited his demand to that subject alone. Had the President of Panama thus addressed the admiral, there can be no doubt that he would have given an unobjectionable and satisfactory reply.

It is understood that the reason why the subject was brought by his excellency the secretary of the interior and foreign relations of Colombia to the notice of the government of the United States is that in this regard the reply which was given by the admiral to the letter which was addressed him by the President of Panama was unsatisfactory. With a view to remedy this impression, it is cheerfully admitted by the government of the United States that it was the duty of the admiral in the first instance, on that occasion, to ask leave for landing the marines and musicians, and having omitted to perform that duty, it was then incumbent on him to tender a satisfactory explanation to the authority. The President of Panama, however, was not content to ask merely such explanations as have already been supposed;

but, on the contrary, he preferred to enter a protest before the admiral against his proceedings, as if, in the President's judgment, they admitted of no explanation.

The President followed up that protest with a notice to the admiral to the effect that he (the President) expected that in case it shall be necessary to disembark armed naval forces in future, it will not be done without the consent of the authority in Panama which represents the sovereign independence of the United States of Colombia. The reply of the admiral to this gratuitous announcement made by the President of Panama was unsatisfactory and seems to have been construed as disrespectful.

His excellency the secretary of the interior and foreign relations of Colombia presents this reply of Admiral Pearson as a subject of complaint to the government of the United States. It is to be observed as to this part of the transaction, that in the opinion of the government of the undersigned no occasion had arisen and no proceeding had been taken by the admiral which called for the notification thus given to him by the President of Panama. No necessity had arisen or was pretended by the admiral to have arisen, or to be about to arise, for such a landing of armed naval forces as is contemplated by the treaty between the United States and Colombia.

The admiral was not the person to be addressed for explanations of his purposes, or of the purposes of his government, in vague and unfounded anticipation of such a contingency. He was simply a subordinate of his government, which is directly amenable in law and courtesy to make such explanations to the government of the United States of Colombia as may become due to that government.

The President of Panama is a local magistrate at that place. He neither pretends to have had nor could have had any authority whatever from the United States of Colombia to demand explanations from the government of the United States of America in such a hypothetical case as he conceived, much less to demand them from an authorized agent of the United States.

The government of the United States of America does not now think itself bound, on a review of the whole correspondence, to give explanations to the government of the United States of Colombia in regard to the form of proceedings which it might suppose proper, in case the necessity contemplated by the treaty for the landing of the land or naval forces of the United States should arise for guaranteeing the sovereignty of Colombia upon the route of the Panama railroad. The treaty and the law of nations must regulate the action of both governments, should such an emergency unhappily arise. It is not to be treated of in advance, because it is a mere vague possibility.

A government cannot justly be expected to give explanations and guarantees in regard to the course it will adopt in hypothetical cases, where it has neither itself done, nor suffered its agents to do, any act which implies a want of fidelity to its treaties and other international obligations.

For a government to give pledges voluntarily that it will not do what is forbidden by those obligations to do, or will not do in an improper manner what it lawfully may do in a proper manner, would be to admit that it had given just grounds for jealousy, or suspicion of its good faith. It is sincerely hoped that the prevalence of peace, law, order, and loyalty on the isthmus may be such as to render the stipulations of the treaty for the guarantee to remain forever a dead letter. The United States of America desire nothing else, nothing better, and nothing more in regard to the States of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence. If those great interests shall ever be assailed by any power at home or abroad, the United States will be ready, co-operating with the government and their ally, to maintain and defend them. Such co-operation will be in accordance not merely with the terms of the treaty, but also in accordance with the respect which is due to the sovereignty of that ally, and to the courtesies which friendship inspires, and which are invariably practiced between enlightened and friendly nations.

The undersigned avails himself of this opportune occasion to renew to his excellency the assurances of his highest consideration.

ALLAN A. BURTON.

His Excellency Señor JOSÉ M. ROJAS GARRIDO,
Secretary of the Interior and Foreign Relations.

C.

Señor Garrido to Mr. Burton.

[Translation.]

UNITED STATES OF COLOMBIA—DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTA, June 29, 1866.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, has the honor to address the honorable Allan A. Burton, minister resident of the United States of America, by reason of the plausible explanations given by the government

of the United States of America to that of Colombia, and which the honorable minister was pleased to communicate by his official letter of the 22d instant.

The President of the republic has read with particular satisfaction the despat chreferrred to, in which has been estimated in its true light the occurrence which took place at the unfortunate event of the death of Mr. Alexander R. McKee, and the President of the sovereign State of Panama will therefore be cautioned that in any emergency which may arise on account of the abnormal state of things which still exists along the track of the railroad between Aspinwall and Panama, growing out of circumstances not unknown to the government of the United States, and the wrong interpretation which has been given to the contract with the Panama Railroad Company and even to the stipulations of the treaty of friendship, commerce, and navigation between the two nations, he confine himself simply to reminding the consul of the United States, and any admiral or commodore that may be accidentally in that bay, of the necessity of their using their influence for the maintenance of good relations between the two republics; and that he report to the national government, the only authority having the right to treat with foreign governments about foreign affairs.

The President improves this opportunity to make known through the honorable minister resident to the American government the satisfaction which he has had in hearing of the conduct observed by the government of the United States, when during the late civil war the legation which deemed itself authorized to represent the Granadian confederation asked the intervention of the government of the United States, supposing that the case had arisen for demanding and obtaining it, in order to maintain the sovereignty of the nation on the isthmus. That circumspect policy of the American government, with the correct estimate placed on the facts which have led to this communication, have fixed definitely the meaning of the treaty, and will serve as a point of departure for whatever political emergency may occur.

The President of the United States of Colombia hopes that the honorable minister resident of the United States of America, in giving account of this despatch to his government, will be pleased to make known to it the appreciation and respect with which he has received the explanations given by the honorable minister concerning the particular referred to.

The undersigned reiterates to the honorable Mr. Burton the assurances of his high consideration with which he has the honor to be his honor's very attentive servant,

JOSE M. ROJAS GARRIDO.

Hon. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 256.]

LEGATION OF THE UNITED STATES,

Bogota, July 7, 1866.

SIR: As a last and only means of keeping the government machinery in motion for the present, the Colombian congress has empowered the executive to issue treasury notes to meet the current expenses of the administration. In view of the financial history and condition of the country, this step looks very much like the last one to national bankruptcy.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Law upon the issuing of treasury notes.

The congress of the United States of Colombia decrees:

ARTICLE 1. The executive power is hereby empowered to issue treasury notes to meet the expenses of the public administration. The emission of said notes shall be gradual, by paying out said notes as the expenses of the current service may require; that is, only in payment of the sums which may be drawn against the fund appropriated for expenses.

ART. 2. Such notes shall be receivable in payment of all national revenues and contributions excepting only impost duties, which must be paid in gold coin, or in silver money of the largest denomination; without prejudice to the documents, which, according to the laws-conventions, or existing orders, must be received in payment of impost duties.

ART. 3. The said treasury notes shall, therefore, be receivable in all the offices of the Union as the real representatives of lawful money, except only as provided in the preceding article.

ART. 4. In case of the establishment of a national bank, the treasury notes shall be redeemed by giving for them bank notes at par.

ART. 5. The executive power is authorized to sell to the best bidder at public auction all the edifices belonging to the nation, furniture and chattels, not belonging to the class of property known as mortmain, which in his judgment shall not be absolutely necessary for the public national service, and said treasury notes shall be receivable in payment for the same at the par value of gold and silver coin.

ART. 6. The treasury notes once returned to the government shall be destroyed and not again put in circulation.

The remainder of the law is unimportant; it relates only to the issue of the notes.

Approved July 4, 1866.

J. C. DE MOSQUERA.

Mr. Burton to Mr. Seward.

No. 260.]

LEGATION OF THE UNITED STATES,

Bogota, August 26, 1866.

SIR: On the 24th instant I performed the sad duty enjoined by the circular from the department of June 18th, 1866, in regard to honoring the memory of General Lewis Cass. The flags of the national and State government, and of the foreign legations and consulates in this capital, were at half mast through the day. The President, by his secretary of foreign relations, sent his expressions of condolence with the government and people of the United States. The principal State and national officers and representatives of other nations, as did some citizens, offered the same in person. The national guard paid the customary respect to the military rank of General Cass.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Burton to Señor Injano.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, August 22, 1866.

It has been made the painful duty of the undersigned to announce to the government of the United States of Colombia that General Lewis Cass, an eminent citizen of the United States of America, distinguished for his exalted patriotism and for his faithful service in varied public trusts, civil and military, conferred on him by his country, departed this life on the 17th of June last.

In performing this melancholy duty the undersigned feels sure of the sympathies of Colombia for the people of the United States in the loss they have sustained by the death of their distinguished fellow-citizen.

The undersigned improves this sad occasion to offer to his Excellency Señor Man'l de T. Injano, secretary of the interior and foreign relations of Colombia, renewed assurances of his distinguished consideration.

ALLAN A. BURTON.

His Excellency Señor MAN'L DE T. INJANO,

Secretary of the Interior and Foreign Relations, &c., &c., &c.

B.

Señor Morro to Mr. Burton.

[Translation.]

BOGOTA, September 1, 1866.

The undersigned, secretary of the interior and foreign relations of Colombia, has the honor to acknowledge the receipt of the attentive communication of the honorable Allan A. Burton,

minister resident of the United States of America, by what he has been pleased to communicate officially to this department, the painful intelligence of the decease of the eminent American citizen, General Lewis Cass, on the 17th of June last.

The relations of cordial friendship which unite the American and Colombian Unions, happily now existing on a footing of the most perfect harmony, have caused my government, as could not otherwise have been, to receive with emotions of grief the sad news of the death of that distinguished citizen of the Union, ever renowned for his exalted patriotism, for his important services in various high public positions, and for his loyalty to and love of the Union.

The undersigned will conclude this sincere expression of the sentiments of his government by offering anew to the honorable Mr. Burton the assurances of the most distinguished consideration and esteem with which he has the honor to subscribe himself his honor's attentive, obsequious servant,

M. MORRO.

Hon. ALLAN A. BURTON,
Minister Resident of the United States of America, &c., &c., &c.

Mr. Hunter to Mr. Burton.

No. 154.]

DEPARTMENT OF STATE,
Washington, August 31, 1866.

SIR: I have to acknowledge the receipt of your despatch, No. 247, of the 26th of last June, giving the limitations proposed by the President of Panama to the right of transit of the United States over the isthmus of Darien, and giving it as your opinion that the proposed change has been abandoned.

The United States must be understood as not assenting to this proposed change in the orders of the President of Panama of May 13th, 1865. But it is, perhaps, best to avoid all unnecessary discussion of the matter.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 270.]

LEGATION OF THE UNITED STATES,
Bogota, September 10, 1866.

SIR: In my No. 111 I explained the interpretation given to the constitution of Colombia, to the effect that the overthrow of a State government by armed force of its citizens is not interdicted by the national constitution, and that the federal government has no power to interfere in such case so long as its authority is not attacked, and in my Nos. 142 and 197 I reported the consequences which had followed that interpretation.

President Mosquera has recently issued an order, hereto annexed, (B,) in which he takes an opposite and no doubt correct view of the subject, and declares his intention to suppress these disturbances in future. The conservatives and Murillo branch of the liberals affect to see cause of alarm in this, and to believe it a long stride towards a dictatorship.

In accordance with this view of the President, he has ordered a thousand troops to the isthmus, to preserve order there, as he pretends, but really, as is generally supposed, and perhaps correctly, to bring about indirectly an overthrow of the present State government of Panama, and to substitute the parties deposed in March, 1865. (See my No. 197.) We have much reason to regret such a

change, as the present government is the best that State has had, and the parties proposed to be reinstated by President Mosquera are hostile to our people and interests, and unscrupulous and abandoned men.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

B.

[Translation.]

Circular, declaring when the general order is considered disturbed.

UNITED STATES OF COLOMBIA—NATIONAL EXECUTIVE POWER—DEPARTMENT OF THE
INTERIOR AND FOREIGN RELATIONS—SECTION 2, NUMBER 5.

DEPARTMENT OF THE GOVERNMENT.

The Governors of the States :

The executive power desires to fix the line of conduct to be pursued in case of the disturbance of the general order, in order that, the republic being now in peace, his determination may be perfectly known beforehand.

It is, therefore, by order of the great general President of the Union declared :

That when an armed faction shall rise up in any State, with the object of overthrowing the government, by deposing the legally constituted authorities of such State, and to give it a new organization, the government of the republic will consider the general order broken, and that it will be its duty, according to No. 19, article 66 of the constitution, to see that the general order be preserved.

In case a revolutionary movement in a State shall not have in view the object just indicated, the government of the republic will consider it merely a question between the inhabitants of such State, and, in obedience to the federal institutions, abstain from taking any part in such movement, provided that the general order shall not be broken by interfering with or disturbing the national employes in the discharge of their functions ; that the national property or revenues be not taken possession of, nor any act committed which may compromise the republic in its international relations, and that the State government may have a force sufficient to re-establish order and secure to individuals the right guaranteed by article 15 of the constitution.

I am your obedient servant,

JOSÉ MARIA ROJAS GARRIDO.

Mr. Burton to Mr. Seward.

[Extract.]

No. 271.]

LEGATION OF THE UNITED STATES,
Bogota, September 11, 1866.

SIR : I have the honor to enclose the annexed correspondence relating to the alleged wrongful landing of armed United States marines in the city of Panama on the 15th of July last.

I have learned from an unofficial source that the affair is greatly magnified by the Colombian government ; that it originated in the naval officers mistaking rockets sent up in the city by the populace on a holy-day, for the signs agreed upon by the United States consul, naval officers, and Panama railroad for the landing of forces to protect American citizens and property. To ascertain this fact was probably the object of the secretary in attempting, in the conclusion of his note A, to prescribe to me the manner in which I should proceed in my investigation of the case.

* * * * *

On receiving the secretary's note I obtained a formal conference on the subject, in which I assured him that the case would be inquired into, and such measures

taken as the result might require. I took occasion to say to him that while the government of the United States would be always ready to perform its duties to other nations, it was but just that it should expect the same from them, and that I was constrained to say that Colombia had for some time past been inexcusably at fault in this respect by failing to hear the reclamations for wrongs to American citizens to which I had been calling attention for the last three years. That unless the legation in my charge could be listened to in a spirit of prompt, friendly justice, it was, in my opinion, useless to maintain it here, and that I should so report to my government.

* * * * *

He acknowledged the justice of what I had said, and promised that all should be attended to at the earliest possible day.

* * * * *

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Morro to Mr. Burton.

[Translation.]

BOGOTA, August, 1867.

The undersigned, chief officer in charge of the department of the interior and foreign relations, has been ordered by the President of the United States of Colombia to put within the knowledge of the honorable Allan A. Burton, minister resident of the United States of America, an act violatory of the sovereignty of Colombia, committed by the chief of the United States war marine stationed in the bay of Panama. On the night of the 15th of July, without the least cause, and while the inhabitants of Panama were in their houses, a hundred armed men disembarked in the city, and the vessel of war armed with cannons came to the gates and wharves of the plaza. At daylight they retired again to their vessels.

The American government, which with so much justice and energy could reprove the conduct of Captain McDermid and the American consul at Cathagena for an act much less grave than that of occupying a city with forces, will also do justice in this instance by disapproving the act of entering on the territory of a friendly nation and ally of the American Union, for the maintenance of the neutrality and sovereignty of the isthmus of Panama, where the violation has just been committed.

The President of the United States of Colombia, in directing the undersigned to make this communication to the honorable Mr. Burton, does not doubt that the minister will make the same known to his government, and that of Colombia would desire that the minister should ask of the American consul in Panama the particulars and causes of this outrage on the sovereignty of Colombia, and that they be transmitted to his government and to this legation, that the President may know the reasons the chief of the American naval forces may have had for his conduct.

The undersigned improves this opportunity to reiterate to the honorable Mr. Burton the assurances of the particular esteem with which he has the honor to subscribe himself his very attentive, obedient servant,

M. MORRO.

Hon. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

B.

Mr. Burton to Señor Morro.

BOGOTA, August 22, 1866.

The minister resident of the United States of America has the honor to present his compliments to his excellency Señor M. Morro, acting secretary of the interior and foreign relations of the United States of Colombia, and will thank his excellency for a conference at such time as may be convenient, concerning the alleged conduct of the United States naval commander at Panama on the 15th of July last, complained of in a note from the department dated August, 1866, received at this legation on yesterday.

C.

Señor Morro to Mr. Burton.

[Translation.]

BOGOTA, August 22, 1866.

Manuel Morro, first officer charged, with the department of the secretary of the interior and foreign relations of the United States of Colombia, is pleased to salute attentively the honorable Mr. Allan A. Burton, minister resident of the United States of America, and to inform him that to-morrow at 11 o'clock he will be received with much pleasure in the parlor of the department for the purpose indicated by the honorable Señor Burton in his attentive verbal note of to-day's date.

D.

Mr. Burton to Señor Morro.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, August 24, 1866.

The undersigned, minister resident of the United States of America, has learned with regret by the communication which his excellency Señor M. Morro, acting secretary of the interior and foreign relations of the United States of Colombia, was pleased to address him under date of August, 1866, that the Colombian government should have believed that it had cause to complain of a want of respect to the sovereignty of the republic in the alleged landing of armed marines of the United States in Panama on the 15th of July last.

The absence of any report to this legation from the agents of the United States on the isthmus, concerning the occurrence complained of, induces the undersigned to hope, indeed to believe, that an inquiry into the whole facts of the case, which he will not fail to make, will show it to have been much less grave in its character than his excellency's government has been led to suppose.

Be the result of the inquiry, however, what it may, it is gratifying to the undersigned to know that the Colombian government has anticipated with entire justice the spirit in which the complaint will be received by that of the United States.

The undersigned improves this opportunity to repeat to his excellency the assurances of his high consideration.

ALLAN A. BURTON.

His Excellency Señor M. MORRO,

Acting Secretary of the Interior and Foreign Relations, &c., &c., &c.

E.

Mr. Burton to Mr. Little.

No. 6.]

LEGATION OF THE UNITED STATES,

Bogota, August 25, 1866.

SIR: I enclose for your information the accompanying copy of a communication, addressed me under date of August, 1866, by his excellency the acting secretary of the interior and foreign relations of Colombia, complaining of certain alleged proceedings by United States marines in Panama on the 15th of July last. I will thank you to inquire into the facts of the case and to report the result of your inquiries to the Department of State and to this legation.

I am, sir, your obedient servant,

ALLAN A. BURTON.

WILLIAM B. LITTLE, Esq.,

*United States Consul, Panama.**Mr. Burton to Mr. Seward.*

No. 273.]

LEGATION OF THE UNITED STATES,

Bogota, September 13, 1866.

SIR: In connection with my Nos. 244 and 255, I beg to invite the careful attention of the department to the annexed correspondence between the late

Colombian minister in London, now president of this republic, and the British government, in relation to a guarantee by the latter of the neutrality of the isthmus of Panama, and the transit of British mails over Colombian territory.

I would call especial attention to the decree of President Mosquera regulating the latter and imposing tonnage duties on certain vessels. Said papers will be found in *El Diario Oficial*, Nos. 727 and 728.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Decree declaring what foreign vessels are subject to the payment of tonnage and which are not subject to the same.

T. C. DE MOSQUERA, GREAT PRESIDENT OF THE UNITED STATES OF COLOMBIA,

By virtue of my constitutional powers, and considering, 1. That it duly appears in the executive power that the government of her Britannic Majesty has deemed at an end the postal connection between Colombia and Great Britain; 2. That by that act the privileges conceded by said convention are also ended; I decree:

ARTICLE 1. The vessels of those nations with which postal conventions do not exist will be subject to the payment of tonnage duties and to deliver their mail bags to the proper post offices, without which said mail bags cannot be forwarded for their destination.

ART. 2. The vessels of the French St. Nazaire line, of the nations with which postal treaties exist or a special treaty guaranteeing the isthmus, shall enjoy the privileges granted by said treaties.

Let this be communicated to whom it may concern.

Given in Bogota August 17, 1866.

BERNADO ESPINOZA,
Secretary of Finance and Public works.

T. C. DE MOSQUERA.

B.

[Translation.]

Note.

UNITED STATES OF COLOMBIA—EXECUTIVE POWER OF THE NATION—DEPARTMENT OF FINANCE AND PUBLIC WORKS—SECTION OF MAIL SERVICE—NUMBER 30.

BOGOTA, August 17, 1866.

The government of her Britannic Majesty having declared at an end the postal convention of 1847, between New Granada and Great Britain, the executive power of the Union has ordered me to inform you that as to the Royal Mail Company the exemption from the payment of tonnage dues and also the other privileges granted by said convention will cease, and that from and after the 1st of November next, in the absence of a new understanding with said company, its boats will have to pay tonnage dues, and the mail-bags from and to Europe must be deposited in the proper post offices of the country to be forwarded to their destination. I make this communication to you as a notice of the results which may follow.

I am your attentive servant,

BERNADO ESPINOZA.

The SUPERINTENDENT OF THE ROYAL BRITISH
MAIL COMPANY, London.

Mr. Burton to Mr. Seward.

No. 275]

LEGATION OF THE UNITED STATES,

Bogota, September 15, 1866.

SIR: The secretary of the interior and foreign relations delivered to me on the 4th instant the annexed communication relating to an apprehended uprising on

the isthmus against the national authority, and I started copies on the same day to our consuls at Aspinwall and Panama. I assured the secretary that the Colombian government need have no apprehensions as to the course the government of the United States and its agents would pursue in such event; that I believed his information would prove to be greatly exaggerated, and that if any purpose unfriendly to the general government existed on the isthmus, the Panama railroad had nothing to do with it.

The real object probably is to send national troops to overthrow the present State government of Panama, and this alarm feigned as an excuse.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Señor Garrido to Mr. Burton.

[Translation.]

BOGOTA, September 3, 1866.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, by order of his government, has the honor to make known to the honorable Mr. Allan A. Burton, minister resident of the government of the United States of America, that private intelligence worthy of credit has just been received that preparations are being made in the State of Panama for an uprising, proclaiming its separation from the United States of Colombia, which, according to indications, is instigated by agents of the Panama railroad Company, it being a noted fact that that people do not aspire to such a separation. It is possible that in such an emergency the insurgents may create some conflict against Americans or their interests, and it being proper to provide against this immediately and to avoid the consequences of a like scandal, the great general President hopes that the minister will be pleased to give account of it to his government by this mail, dictating the proper means to the American troops and to the citizens of that republic, as also to the agents of the railroad company, to keep themselves completely free from the events indicated, being as it is, a duty of the government of the United States of America to guarantee positively and effectively the perfect neutrality of the isthmus, and consequently the rights of sovereignty and propriety that the United States of Colombia hold and possess over said territory.

With sentiments of deep consideration, the undersigned subscribes himself Mr. Burton's very attentive and obsequious servant,

JOSE M. ROJAS GARRIDO.

Hon. Mr. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

B.

Mr. Burton to Mr. Little.

No. 7.]

LEGATION OF THE UNITED STATES,

Bogota, September 4, 1866.

SIR: I enclose for your information the accompanying communication addressed me by his excellency the secretary of the interior and foreign relations of Colombia, in relation to an apprehended uprising on the isthmus against the national authority, and delivered this morning at 11 o'clock.

I am, sir, very respectfully, your obedient servant,

ALLAN A. BURTON.

W. B. LITTLE, Esq.,

United States Consul, Panama.

Mr. Seward to Mr. Burton.

No. 155.]

DEPARTMENT OF STATE,

Washington, September 27, 1866.

SIR: Your despatch No. 248, of the 29th of June last, accompanied by a copy of an act of the Colombian congress defining the condition of a foreigner, his rights and duties, has been received.

The second section of the act seems to be the one to which exception might most properly be taken. This declares that foreigners domiciled in Colombia, although not naturalized, so that they are not merely transient, according to international law and usages, shall enjoy the same civil rights and guarantees, and be subject to the same obligations as to person and property, as Colombians.

The general principle is supposed to be clear, that a foreigner who of his own accord settles in a country, accepts the conditions and liabilities in peace and in war of a native of that country.

No government can be expected to relinquish its rights of jurisdiction over all such persons within its territory, unless that relinquishment shall have been made by special compact, such as the treaties between Christian States and those professing the Mohammedan and other religions.

If, however, any question might arise under the second section of the act, this is answered by the third, which says that foreigners thus domiciled shall nevertheless enjoy the exemptions to which they may be entitled by public treaties, and the same which Colombians under the same circumstances may enjoy, pursuant to the laws and customs of the country to which the foreigner may belong.

The only treaty between us and Colombia, bearing upon this subject, is that of 1846. According to the 13th article of that instrument, the citizens of the two countries, whether transient or dwelling, are to have the same protection to their persons and property as the natives of the country where they may be. A pledge to confer the same privileges in those respects upon citizens of the United States in Colombia does not imply that they are exempted from any liabilities to which Colombians may be subject.

Supposing, however, (which does not appear to be the fact,) that the Colombian government has a right to draw a distinction between our citizens who are com-morant and those who are only transiently in that country, the act proceeds to define the circumstances which are to afford a presumption of the purpose of a foreigner to become domiciled. One of these is marriage with a native and two years' continuous residence. The time and circumstances which constitute the legal domicile of a foreigner have usually been a subject of judicial decision, and as such it varies according to the facts of the case. The right of a government to define such domicile by municipal law cannot be questioned. Such a right can only be relinquished or modified by treaty. The definition by statute may seem arbitrary, but if a foreigner goes to or stays in a country where it prevails he cannot reasonably complain, especially if it should be impartially executed. Of course in this respect we cannot submit to any discrimination against citizens of the United States.

The possibility to which you refer that the powers claimed by the act may be abused is not conceived to afford a sufficient reason to deny them. When such abuses occur proper measures will be taken towards correcting them. In order that the Colombian statute referred to may be known in this country, I have caused a translation of it to be made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 277.]

LEGATION OF THE UNITED STATES,

Bogota, October 3, 1866.

SIR: Referring to my No. 275, I now have the honor to enclose the annexed papers relating to the supposed preparations on the isthmus for a revolt against the national authority, to which I then briefly alluded.

Independence has long been contemplated and favored by a considerable part of the isthmian people, and there was no greater reason for the late alarm in the national government than has existed at any time for several years past. It is almost certain that the cry was raised a month ago by certain ex-officials here from Panama, who have been driven from that State for their crimes, and who owe their lives to the asylum heretofore given them against a justly enraged populace by our consuls and naval officers, to deceive President Mosquera into sending troops to the isthmus under the direction of the instigators of the rumor, who would not be slow in finding a pretext to make war on the Present State government, the only one fit to be called a government which the State has had for years. I am much disposed to believe that the correspondence was begun with me without the knowledge of the president, in order that these exiles, the under-secretary for foreign affairs being one, might ascertain in advance what position the United States officers at the isthmus would assume in case a body of adventurers collected on the Pacific coast in the State of Cauca should invade Panama in aid of the movement to overthrow its government. The case treated of in my Nos. 190 and 197 had presented itself again. In my No. 199 it will be seen that I had the misfortune to fall into a mistake, according to the opinion of his honor the Attorney General, as given me in despatch from the department No. 134, as to the obligations of the United States under the 35th article of the treaty of 1846. The view I then took, and which has since been in effect sustained by the department in the concluding paragraph of despatch to me, No. 139, dated April 30th, 1866, (I have another of this number, dated August 5th, 1866,) is the one always entertained by this government, including President Mosquera, the real negotiator of the treaty on the part of this country, until 1862, when, as dictator, he adopted an interpretation better suited to the circumstances then surrounding him. The interpretation which had up to that time prevailed here imposed grave duties on us, and since being notified of the opinion of the Attorney General I have conceived it to be my duty, should a fit opportunity present itself, to seek a declaration from President Mosquera's administration in accordance with the grounds taken by him in 1862 and the views of the Attorney General, above referred to, which, if successful, would avoid any doubt that might arise in future as to the duties intended to be imposed by the treaty. I considered the note initiating this correspondence concerning the alleged danger of an uprising on the isthmus an opportune occasion for the purpose, and ventured to call for the interpretation of the treaty in this respect by the present administration. The result has been that the Colombian government declares that it does not feel itself authorized by the treaty to require the aid of the United States for the suppression of an insurrection, rebellion, or other disturbance on the isthmus on the part of Colombian citizens, not even an invasion by another Colombian State, unless such movement be intended to detach the State of Panama from the Colombian Union and to annex it to a foreign power. This would seem to leave the isthmus free to declare itself independent of the United States of Colombia, without the fear of the forced intervention of the United States of America, provided such declaration be not accompanied by the end of annexation to a foreign power. If such purpose be not declared at the time and the isthmus should secure its independence, which is admissible under the construction just adopted by this government, it would appear too late to then invoke

the help of the United States to subjugate it again to Colombian rule in case it should afterwards attempt to unite itself to another nation. Should this view of the Colombian government become known to the people of Panama, it is entirely safe to predict a revolutionary movement for independence at no very distant day, which, unless it shall be so indiscreetly conducted as to call for the interference of the United States, will very likely be made good.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

[Translation.]

INDEPENDENCE OF THE ISTHMUS.

The news of the legislative approval of the contract celebrated in London by the present President of the republic, with Mr. Cotterill, for the superintendence and management of our interoceanic way, by means of a stipulated pecuniary indemnity as the price of redemption and sale of the national remainder in that rich and most valuable enterprise, the Panama railroad, has produced a great sensation among its officers and employes.

As the Mosquera-Cotterill contract will soon begin to take effect—for it has already the force of legal sanction, the seal of written right—the American company, which looks upon it thus, and which sees passing from its hands the best speculation of its kind in both worlds, resorts to new means in order to retain the mercantile supremacy which it exercises over that bridge between the two seas, the precious link which unites two great hemispheres.

Thus the idea of the independence of the isthmus of Panama, which is now being fostered in that State, has its seat and origin in a combination of interests between the railroad and the local rulers; the first on account of the near approaching loss of its prodigious gains, and the second because, with the march of time and by the square of justice, they see their political power dying—a frightful apparition to men who live and have lived on the offices as the mistletoe on the sap of the plant.

Passing to another power, as will pass, the management of the road for a long period, the business men who hold its fat income in their hands, well knowing the high importance of the road as a point of communication between the most flourishing centres of wealth, seeing the constant and increasing range of its profits, and considering its future without the competition of any other intermarine way, will not consent to abandon the working of that fruitful mine without exhausting the gold of their coffers in keeping up a political movement which shall end in emancipating the isthmus, and by this means secure the ownership of this route.

In order to show that these ideas are not exaggerated we took the precaution to lay up the views put forth fifteen years ago by a private French writer, A. Haussman, in his work entitled "The Isthmus of Panama and California." He says: "Panama, now in ruins, will see the regeneration and new prosperity which she expects. Let a railroad across the isthmus but triumph over the Nicaragua canal and a simply good common road be constructed between Chagres and Panama, and the future of this city is sure. A point of union between the two Americas, a weak barrier between the two oceans, it is one of those places marked by Providence as a point for the uniting of all nations—a country predestined, which, like the isthmus of Suez, has been created to unite peoples by peace and commerce; a privileged strip of land which serves as a highway for the immense caravans of distinct races of the globe, and which will much diminish the distance between the United States and China.

"The American people is of all others that which best comprehends the immense advantages of the isthmus of Panama, and which also looks with envy on this country, so favorable to its commerce, this route from eastern to western America trying at the same time to conceal its ambitious views and pretending to invoke the neutrality of the territory over which the Nicaragua canal is to pass. It is not necessary to know much of the most avaricious race in the universe, as well as the immense ambition and pride with which the Americans have been inflated by the acquisition of Oregon and their victories in Mexico, in order to imagine how long they will permit to remain in foreign hands a country so indispensable to their power and for their political and commercial development."

As the observance of the symptoms reveals to the physician the nature of the disease and its greater or less intensity, so also, and by a logical deduction, it is made to appear that the separation of that State from the others of the Colombian Union—a separation advocated by the permanent organ of North American interests, "The Star and Herald," on hearing of the approbation of the Mosquera-Cotterill contract—is the first of a political and commercial

alliance between the railroad company and the official clique that now oppresses the Panama people.

Said company, which sees a positive and inevitable danger in the London convention, and the government of that State, which knows well what it is and the elements which oppose its stability and conspire to bring about its destruction, believes it sees its anchor of salvation in independence, even though after the birth of its nationality, attenuated and covered in rags, it will have to throw itself into the arms of the Yankees.

This question is much more grave than at first may appear, regarding it as an incipient idea, and we have therefore believed it necessary to bestow some reflections on it. In the interior of the republic it is considered as a mathematical absurdity, because a part cannot overcome the whole; but this is because the advantageous topographical situation of that celebrated neck is forgotten, and the support of a powerful company and the decisive influence of the North American government is not taken into account.

It is not now for the first time that that end has been sought, and emancipation inscribed on the political banners in the domestic contests of the isthmus. Sixteen years ago the governor of Panama, Señor José de Obaldia, discovered a clandestine plot, headed by a military chief and the editor of the paper published in English, the *Panama Echo*, and on legal investigation a conspiracy to pronounce against the authority of New Granada, towards the end of September, 1850, was fully proved.

Twelve years afterwards, when the republic from one end to the other was one sad encampment, the political clique which then headed the government of Panama, (the same as now, with few exceptions,) availing itself of an ambiguous and double policy adapted to the changes of the strife which it was precipitating it into, invoked also the fallacy of independence. Fortunately, the events of 1862 changed the face of things in favor of the Union, and a new order of things laid low what had been agreed on in the tumultuous clubs in some districts, in which it was wished to proclaim "a Hanseatic republic, which should flourish under the shades of the most powerful flags of the earth."

The idea, then, of these men, who, aside from personal interests, have no care for the honor and dignity of their country, is to make the separation of the State a wall of infamy to protect their selfish ends, and to sustain the perpetual domination which they desire over that vital part of Colombia. But that idea, like every other principle which is available as an aim according to the hand that may hold it, and if in the past it had no result, by reason of the feebleness of the hand which seized it, now that the political and mercantile interests are combined it may shoot up from the germ into full development.

The last encouragement to this plan has been published without disguise in the *Star and Herald of Panama*, and the correspondent in that city of the *Commercial*, of Lima, asserted it as a thing certain in the latter part of July last. That journal, which, as we have said, is the organ of "Yankeeism," defends the project, basing it on the ground that the true interests of the State are unheeded by the government of the Union, and that it is necessary to look to the indisputable rights of that section of Colombia which is supposed to be the victim of unmerited wrongs. Although that country is helpless to make war, its exceptional situation places it in a position to segregate itself as desired by its evil-disposed inhabitants, and to resist the measures of the general government for reducing it to obedience.

There are, then, three chief reasons uniting in this disloyal act so prejudicial to the nation against which it is aimed, as well as to that which it is thought of attempting to create: the necessity of the United States to keep under the control of their citizens the keys of Panama, in order to maintain the transit free from ultramarine influence; the supreme desire of the American company to not lose that work, acquired by so much gold and arduous labor, without securing the future profits of the enterprise; and the fears of the present rulers in that State that there may be a political change, or their inordinate love for the public places to which they cling as the molusk to his shell.

Such a peril, more or less near, must be stifled, and we believe this should be accomplished by the presence of a national garrison, which will give security to the general commerce of the world, and especially to that of the United States of Colombia, which garrison ought to be paid for the security it will afford to the road, and for the inhabitants of that privileged region and those passing over it, according to the agreement with the Panama Railroad Company, and which would extinguish, without delay, the spark which is perceived, before the emancipating conflagration shall darken the heavens of the isthmus with its livid hues.

By an abuse to which the administration of 1864-5, consented in an evil hour, the service which ought to be rendered by the national soldiery is performed in Panama by the forces which, since the 9th of March of last year, receive a salary from that State for its own defence; but such corruption must be brought to an end in the prudence which distinguished the proceedings of the great general now in charge of the executive power, as well as to avoid a repetition of a scandal like that of the memorable 15th of April, and more especially to save the humiliations which are felt at seeing our soil constantly profaned by the tramp of foreign soldiers, without even the courtesy of asking permission of the proper authority. Up to this time we have not been able to find any doctrine of international law which authorizes the like uncivil proceeding; neither has the nation granted it in its public treaties, for which reason they cannot be characterized as offences.

True it is that the relations of the great republic of the north and ours are kept up in the

best harmony, in the most desirable cordiality; but it is also true that so soon as the cabinet at Washington discovers that the Panama railroad is to pass to English speculators, American diplomacy will show itself disdainful, tyrannical, and perhaps hostile to Colombia.

Thus, seeing in the vague horizon of the future the complications which are being prepared by the movement towards independence, which is already initiated, and the risk which threatens the nation of losing the jewel which for North Americans represents a value of at least one hundred millions of dollars, we energetically call the attention of the government to this most vital affair. Before the revolution shall commence, the federal soldiers should march to the support of the national sovereignty over a soil of so much present care, of such future benefit to the loyal sons of regenerated Colombia. It is necessary that the government for once display its authority before its own citizens and strangers, if only to prepare for the fulfilment of this contract, which it is attempted to render illusory by such unworthy means.

B.

[From *El Nacional*, organ of the Colombian government, September 8, 1866.—Translation.]

CORRECTION.

In the editorial of the *El Tiempo*, number 455, entitled "Independence of the Isthmus," it is said, "the Mosquera-Cotterill contract will very soon begin to take effect, because it already has the force of legal sanction." This is a grave mistake, for it is not true that the contract has legal force.

The Great General Mosquera celebrated in London on the 6th of February last, with Mr. Henry Cotterill, a contract for the sale of the remainder in the Panama railroad; and as it could not be carried out without the approval of congress, the President of the Union gave an account of the matter to that body in his message of the 22d of May last. In that message, General Mosquera, the President, did not request a confirmation of the contract, only as a basis for proposals for better bids in Europe and America, he to be authorized to close the contract finally with Mr. Cotterill, in case better offers should not be made. But the congress took no action in the matter, and it cannot be said, therefore, that Mr. Cotterill has acquired any right to the remainder in the Panama railroad.

We regret that *El Tiempo*, a journal of so much reputation, should have committed this mistake, which must injure its good name unless speedily corrected.

C 1.

BOGOTA, September 10, 1866.

The minister resident of the United States has the honor to present his respectful compliments to his excellency Señor José M. Rojas Garrido, secretary of the interior and foreign relations of the Colombian Union, and will thank his excellency for a conference concerning matters treated of in his communication of the third instant, at such time as may be convenient.

A. A. BURTON.

C 2.

Memorandum.

SEPTEMBER 12, 1866.

The minister of the United States was anxious to confer for a few minutes with his excellency the secretary of foreign relations, concerning the subject-matter of the accompanying note before delivering it. It not being convenient to honor him with an interview, and it being important that he shall be able to transmit, by the next mail, to his government the answer of that of Colombia, it is deemed best to deliver it in time for the Colombian government to make that answer, if it shall desire to do so.

A. A. BURTON.

D.

Mr. Burton to Señor Garrido.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, September 12, 1866.

The undersigned, minister resident of the United States of America, has the honor to acknowledge the receipt of the communication which his excellency Señor José M. Rojas Garrido, secretary of the interior and foreign relations of the United States of Colombia, was

pleased to address him on the 3d instant, announcing that the Colombian government had then just received private but trustworthy information to the effect that an insurrectionary movement against the national authority, instigated by the agents of the Panama Railroad Company, was being prepared in Panama, with the end of wresting that State from its allegiance to the federal government, notwithstanding, as is stated, the well known loyalty of its inhabitants. The fear is expressed that in such event the insurgents might come in conflict with American citizens and interests, and that to guard against any occurrence of the kind, the grand general President had ordered his excellency to request the undersigned to advise his government of said apprehended insurrection, and also to direct the troops and citizens of the United States, as well as the agents of the Panama railroad, to carefully abstain from interference or participation in the same, for the reason, as his excellency is pleased to state, that the government of the undersigned is bound to guarantee positively and efficaciously the perfect neutrality of the isthmus, and consequently the rights of sovereignty and property which the United States of Colombia have and possess over that territory.

Upon the receipt of his excellency's communication, the undersigned did not delay to send the same to his government and to notify it to the agents of the United States at the isthmus, although the latter are under direct orders from Washington, which, independently of their own sense of duty and propriety, is a complete guarantee against the realization of the fears implied in the request that special directions should be given them to not take part in affairs with which they might have no concern.

With regard to the alleged complicity of the agents of the Panama Railroad Company in the supposed revolutionary enterprise, the undersigned esteems it his duty, in justice to a respectable association of his fellow citizens, to affirm, that while he, in no wise impugns the good faith of the informant of the Colombian government, he happens to have good reasons to know such indeed as to his mind exclude all reasonable doubt that, even if disloyal purposes towards the national government exist on the isthmus, as supposed, the charge against the agents of the Panama Railroad Company is without any real foundation whatever. And the imputation being of a character so grave, and which if suffered to rest without further notice may prejudice alike in the eyes of the world, so much interested in the good management of that great highway of nations, both the railroad company and Colombia, its joint owners, it is hoped that the government of his excellency will esteem it just and convenient to cause strict inquiry to be made into the alleged facts, giving to the result the like publicity which has been given to the charge. And further, as the government of the undersigned is equally solicitous with Colombia that law, order, and loyalty shall prevail on the isthmus, he trusts that his excellency may also find it convenient to communicate to this legation the evidences of their probable interruption.

After carefully considering the contents of his excellency's communication, the undersigned has not been able to determine with entire satisfaction the precise idea intended to be conveyed with regard to the duties resting on the United States to guarantee to Colombia the neutrality, sovereignty and property of the isthmus and he believes that on a review of the same, his excellency will agree that the importance and delicacy of the duties therein alluded to, require that they should be fully and clearly defined, so far at least as they are connected with the circumstances which have given rise to this correspondence. To enable the United States to act understandingly and effectively in the premises, it is believed important that they should know whether Colombia holds it their duty under the existing treaty stipulations between the two countries, to aid, when called on by Colombia so to do, in suppressing such a movement as that contemplated in his excellency's note, or any other disturbance confined to Colombian citizens, or whether the treaty guarantee is understood as limited in its application to attempts against the neutrality, sovereignty, and property of the isthmus by powers foreign to Colombia.

His excellency will not fail to appreciate at once the present necessity of the two governments being in accord as to the answers to be given to the preceding inquiries. This is especially important to the United States, because the preparations for meeting their duty must necessarily be influenced thereby.

The undersigned improves this opportunity to offer to his excellency the assurances of his highest consideration.

ALLAN A. BURTON.

His Excellency Señor M. ROJAS GARRIDO,
Secretary of the Interior and Foreign Relations, &c., &c., &c.

Two hours after the delivery of the foregoing note I received the following. I had the conference. The secretary simply told me what his answer would be. I told him I had only come to thank him for granting the interview, as it was unnecessary to enter into a conference about the method, inasmuch as I had already sent my note; that I wished to confer with him before writing. He told me that Mariano Arasemeña, the father-in-law of United States Consul Rice, and Juan Mendoza had written from the isthmus to the government here the charges against the Panama railroad. I replied that the charges were utterly false, and so known to be by the writers of the letters. He said he could not give up their names except to me confidentially.

A. A. BURTON.

E.

Señor Garrido to Mr. Burton.

[Translation.]

BOGOTA, September 12, 1866.

José Maria Rojas Garrido, secretary of the interior and foreign relations of the United States of Colombia, has the honor to present his compliments to the Hon. Allan A. Burton, minister resident of the United States of America, and to inform him that it will be very gratifying to receive the Hon. Mr. Burton at 11 o'clock a. m. for the purpose of conferring as he desires about the communication addressed him from this department on the 3d instant, provided no inconvenience may prevent the Hon. Mr. Burton from attending.

F.

Señor Garrido to Mr. Burton.

[Translation.]

BOGOTA, September 14, 1866.

The undersigned, the secretary of the interior and foreign relations of the United States of Colombia, has the honor to acknowledge the receipt of the communication which the Hon. Allan A. Burton, minister resident of the United States of America, was pleased to address to this department under date of the 12th instant, in answer to one which he had received from the same relating to the part which the agents of the railroad company might take in a projected revolutionary movement, with the object of segregating the sovereign State of Panama from the Colombian Union; and in obedience to the instructions which he has received from the President of the Union, the undersigned will proceed to answer the said communication of the 12th instant.

With respect to the alleged interference of the agents of the Panama Railroad Company in the revolution which, according to rumor, and even data which the government has, is being set on foot there for the purpose of severing the isthmus from the Union, the executive power, taking into consideration the respectability of that company and the prudence and circumspection which must be supposed to govern its members, receives with pleasure the explanations concerning it in the communication of the Hon. Mr. Burton.

As to the interposition due from the government of the United States by the treaty existing between the two nations in the event that an insurrection by armed force should take place on the isthmus for the purpose of segregating it from the Union, the government of Colombia understands that, if such a movement should be effected with the view of making that section of the republic independent and attaching it to any other foreign nation or power, that is to say, in order to transfer by any means whatever the sovereignty which Colombia justly possesses over that territory to any foreign nation or power whatever, the case will then have arisen when the United States of America, in fulfillment of their obligation contracted by the 35th article of the treaty existing between the two republics, should come to the assistance of Colombia to maintain its sovereignty over the isthmus; but not when the disturbances are confined to Colombian citizens.

In conclusion, it affords the undersigned pleasure to renew to the Hon. Mr. Burton the protests of the distinguished consideration and esteem with which he has the honor to subscribe himself, his very attentive, obsequious servant,

JOSÉ M. ROJAS GARRIDO.

Hon. ALLAN A. BURTON,

Minister Resident of the United States of America, &c., &c., &c.

G.

[Translation.]

INDEPENDENCE OF THE ISTHMUS.

On the 22d of May last, the President of the Union addressed a message to the house of representatives submitting a contract for the sale of the reserves or remainder in the Panama railroad for its approval or adoption by congress as a basis for the discussion of that delicate subject, public opinion having for some time demanded the sale, but in such a manner as to meet the aspirations of patriotism.

The message pointed out the propriety of fixing a period within which bids should be

received in Europe and America, and, in case better terms should not be offered the executive power should be authorized to conclude the contract definitively.

The contract had been entered into by our minister plenipotentiary in London with Mr. William Henry Cotterill, and it was stipulated that it would not be binding until sanctioned by the national congress.

The message was referred first to Señor Pablo Arosemena, and afterwards to Señor Manuel D. Canache, as committees to report on the same, who made directly opposite reports, except that both agreed that the contract ought not to be ratified. The house postponed indefinitely the consideration of the reports, and proceeded to discuss a project proposed by Señors Polau, Herrera, and Navarete, for the establishment of a company composed of Colombian government and citizens for the redemption of the road, but no decision was reached.

This is the whole truth, a complete history of the facts as to the reserves.

But the editor of *El Tiempo*, who cannot be ignorant of them, asserts in the first editorial of the last number of that paper that "the Mosquera-Cotterill contract will soon take effect, because it already has the force of legal sanction, the seal of written right." To be thus derelict to the truth before the country, and in this capital, two months scarcely having elapsed since the adjournment of congress, and when everything pertaining to this important affair has been published in *El Diario Oficial*, is putting a very light estimate on public opinion, and is an ignoring of the character of a truthful man and honest journalist.

And what has induced the editor of *El Tiempo* to make this false assertion? In divers articles, and particularly in that which bears the same title with this, he has shown himself the tenacious and implacable enemy of the present government of Panama. For this reason, animated by a subtle spirit, he puts forth the idea that the isthmus thinks of separating from the Colombian Union and of erecting itself into a Hanseatic republic, with the aid of the Panama Railroad Company and under the protection of the government of the United States of North America.

Thus it is, then, that the editor affirms, although he possesses no proof, that a great sensation has been wrought on the managers and employes of the railroad by the news (false news) that the national legislature had approved the London contract. Is the editor ignorant that the directory of the railroad company addressed the national executive making new propositions for securing the reserves, and that these propositions were submitted to the house of representatives? Does he not know that a few days before the adjournment of congress the President of the Union sent a message to the house on this subject? And is it owing to the like ignorance, also, that the editor of *El Tiempo* says that "the official clique of Panama oppresses the people of that State," that its fear of secession proceeds directly and exclusively from a commercial and political alliance between the railroad company and the authorities of the State, and that these authorities "are losing their political power with the lapse of time and in obedience to the behests of justice—a frightful apparition for men who live on office as the mistletoe on the sap of other plants."

This last assertion does not merit an answer, because many or all the citizens who take part in the administration of Señor Colunje have no need of public offices.

As to the approaching fall of the official clique in Panama, which glimmers before the editor's vision, I believe the wish is only father to the thought. But the clique will ever be grateful for the information.

And what ground is there for his saying that the desire of independence is cherished in the State of Panama, and that it has its origin with the Panama Railroad Company and the local authorities of that section of the republic? The editor affects to believe that the end to the immense gains of the company is the moving cause of the whole. And why? Solely on the supposition that the London contract has been approved, when the company knew very well that that contract was unworthy of being ratified as stipulated on its face. It, on the other hand, can afford to offer better terms.

And with regard to the present administration of Panama it is pretended that it also approached its end. It is true, the honest and truly liberal administration of Señor Jil Colunje will end by law on the 30th instant; but he will be succeeded by Señor Vicente Olate, whose republican principles, patriotism, and probity cannot leave even the editor of *El Tiempo* in doubt as to them.

Can the editor believe in good faith that Señor Olate countenances the traitorous idea of independence on the isthmus? Is it to be imagined that Señor Colunje harbors the thought, when on all occasions he has ever, by word and writing, opposed the project, which if it has existed it has been only in the wishes of some North American journalists, and of some bad natives of the isthmus.

The editor of the *El Tiempo*, in support of this false announcement, appeals to the Panama Echo, and to disclosures made by Señor José de Obaldia, which were afterwards confirmed by a judicial investigation in September, 1850.

But as this happened twelve years ago, it does not follow that the sentiments of that State are now the same, and the editor will remember that *El Panameño* then declared strongly that the inhabitants of the isthmus scouted the idea of annexation or independence, and that the press of the country applauded the feeling of nationality and noble patriotism of the press of the isthmus.

It was then believed that the property and sovereignty of the republic over that part of its

territory was made secure by the commercial interests of the powerful nations; and that England, France, and the United States, having interests on the Atlantic and Pacific, needed the free communication by "that bridge between two seas," and in order to make effective the freedom and security of the transit, it was indispensable that the isthmus should be neutral and independent of these nations. In the treaty with the United States of North America that neutrality is guaranteed, and there is no reason to believe that that government, which on more than one occasion has shown us its cordial friendship and its desire for our prosperity, will interpose its decisive influence, as *El Tiempo* says, to secure to the railroad company its great gains, and to prevent the knell of time from sounding the last agonizing hour of the official clique which oppresses the people of Panama.

If the government of the United States should desire the independence and annexation of the isthmus, it could consummate the fact in spite of the wishes of the editor and of all who should attempt to prevent it. It would secure the territory, but our race would be absorbed. This would be the inevitable result.

But fortunately the government of the United States does not desire or need it. Neither does the Panama Railroad Company. The latter enjoys its privilege and desires nothing more. Nine years, and that privilege can be redeemed, and the company can then enter into competition as a bidder, if not with a better right than others, certainly with greater advantages, and among them I think will be found the sympathies due to its honorable conduct in our domestic dissensions.

And besides, the administration of Señor Colunje enjoys the good opinion of the honest citizens of the State, and that of Señor Olarte will likewise be supported by that *queen of the world*. I think they have nothing to fear, and if the revolutionary spirit shall light up the conflagration which the editor seems to desire; if the genius of evil shall spread its wings over that important State, it is certain—and let not the editor forget it—that Señor Olarte, surrounded by the foreigners who find protection and guarantees in the party that now governs them, will again raise triumphantly the banner unfurled on the 9th of March, 1865.

Let the editor of *El Tiempo* recollect that the isthmus united itself to Colombia spontaneously, and that it has given constant proofs of its love of the country, of its enlightenment, of the noble and generous disposition of its people; what the isthmus is worth in itself on account of its position in the world, and that the people of Panama desire only that the national government treat them justly and loyally, and in good faith protect their lawful rights. "The pillars of Hercules are now at Panama, and Panama symbolizes the frontier of civilization, the citadel and destiny of the Americas." An enlightened writer of our day says this, and the editor of the *El Tiempo* ought to bear it in mind.

Thus, the independence of the isthmus is but the off-spring of an imagination unmindful of the facts, or an invention of those interested in seizing on that State, or a chimera of passion and unfounded hostility.

As a representative of the State of Panama, I have thought it my duty to make this publication. I could not let the assertions of the editor of *El Tiempo* pass unnoticed, because to be silent would give grave plausibility to the imposture and subject me to censure.

JOSE ANTONIO CESPEDES.

BOGOTA, September 11, 1866.

Mr. Seward to Mr. Burton.

No. 156.]

DEPARTMENT OF STATE,

Washington, October 9, 1866.

SIR: I have received a communication from Mr. Little, consul at Panama, in which are contained the circular addressed by the government of Colombia to the government of Panama and the reply of the same thereto. You have no doubt become ere this familiar with the contents of that correspondence. Mr. Little mentions the prevalence of a rumor that an effort is about to be made to secure the independence of the State of Panama. He also states that there is a strong feeling in favor of that measure among the people of Panama.

The department has received authentic information of a similar import from other sources, and I deem it proper to indicate to you your course in the event that the anticipated troubles should actually come to pass.

The United States have always abstained from any connection with questions of internal revolution in the State of Panama, or any other of the States of the United States of Colombia, and will continue to maintain a perfect neutrality in such domestic controversies. In the case, however, that the transit trade across the isthmus should suffer from an invasion from either domestic or foreign

disturbances of the peace in the State of Panama, the United States will hold themselves ready to protect the same.

I transmit to you, for your better information, a copy of the communication of Mr. Little without enclosures.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Little to Mr. Seward.

CONSULATE OF THE UNITED STATES,
Panama, September 18, 1866.

SIR: I have the honor to enclose to your address a copy of the Official Bulletin of September 15, 1866, containing the correspondence between President Mosquera and President Colunje, of Panama, in regard to the disbandment of the State troops. Not being able to procure a copy of the official paper in season for the last steamer, I forward to your address a copy of the Morning Chronicle, of this city, which contains a condensed translation of the correspondence.

Rumors have been prevalent for some time past of a movement in favor of securing the independence of the State of Panama, which fact having come to the knowledge of President Mosquera, is probably the cause of the issuing of the order.

There is no doubt a growing desire among the natives of Panama in favor of the movement, but I apprehend it will amount to nothing in consequence of the want of men and money to carry it into effect.

There is a strong probability, however, that President Mosquera will send a body of troops to this isthmus, for the purpose of enforcing his demands.

I am, very respectfully, your obedient servant,

W. B. LITTLE.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Burton to Mr. Seward.

No. 280.]

LEGATION OF THE UNITED STATES,
Bogota, November 2, 1866.

SIR: The last twelve months have been productive of events of but little interest in Colombia.

The inauguration of President Mosquera, on the 20th of May last, operated as a slight check to the anarchy and demoralization which had become fearfully prevalent throughout the country under the administration of Señor Murillo, and of which I gave some account in my No. 197.

But one revolutionary outbreak has occurred within the last year or twelve-month. In March last the emissaries of the State authorities of Panama, deposed in March, 1866, attempted to incite a revolt on the isthmus, which was at once suppressed. It is supposed, and, perhaps, with reason, that President Mosquera will manage to have the present government of that State overthrown, and to reinstate the former rulers of the isthmus, who are his partisans. This would be unfortunate for our people, as the existing authorities are comparatively just and friendly to them, while those put down in March, 1865, are hostile to them, and made up in the main of men who are nothing less than robber chiefs.

The administration of President Mosquera has so far been energetic and arbitrary. It has been guided by his own will, without any nice regard for the constitution or laws. He is, in fact, dictator, and it is well for the country, for it is so lawless and demoralized that regular government is impracticable. It is to be regretted, however, that patriotism and statesmanlike ideas have so little place in the administration. President Mosquera's notions of government are narrow, crude

and eccentric, and his political action more the result of impulse, vanity, and passion than of any settled and intelligent system or conviction. Opposition to his adversaries is his chosen way, without regard to its justice or expediency. His measures appear to be mere temporary expedients and capricious experiments, without any comprehensive or remote ends in view. He acts as though he had but a day in which to establish his policy, if such it may be called. He, indeed, boasts that inasmuch as he cannot live beyond two years, he must do all in that time or Colombia is lost. There is, perhaps, a mixture of truth in this. His cabinet is made up of mere instruments. Not a single member is possessed of the capacity or attainments for the place.

The general march of the country continues as I have repeatedly described it. President Mosquera's rule will probably increase the financial embarrassments of the nation. He has always been noted for his wasteful administration of the public resources, and the habit seems to grow on him with age. The future of this people must be a sad one indeed.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Burton.

No. 158.]

DEPARTMENT OF STATE,

Washington, November 8, 1866.

SIR: Your despatch No. 271, of September last, upon the subject of the landing of a body of marines at Panama from a United States vessel of war, has been received. The course which you took upon that occasion is approved. It is preferred, however, that in such cases you should report to the department all the facts in regard to them which may be known to you, and all the conclusions which you may have formed. The proper instruction for your future course will then be given by the department.

You will also inform the Colombian minister for foreign affairs that you await the instructions referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Burton.

No. 159.]

DEPARTMENT OF STATE,

Washington, November 9, 1866.

SIR: I have to acknowledge the receipt of your despatch No. 275, of last September, containing a copy of a note addressed to you by the minister of foreign affairs upon the subject of a contemplated insurrection on the isthmus against the national government of Colombia. This subject has come before this department on a former occasion, and you will find instructions for your guidance set forth in the despatch to you on the 9th of last month, No. 156.

Your assurance to the minister of foreign affairs anticipated the spirit of that despatch, and is therefore approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Burton.

No. 163.]

DEPARTMENT OF STATE,

Washington, November 12, 1866.

SIR: With reference to the decree of President Mosquera of the 17th of August, a copy of which accompanied your despatch No. 273, of the 13th of September, I have to remark that that part of the first article which directs the exaction of tonnage duties from the vessels of those nations which have no postal convention with the United States of Colombia would not be applicable to vessels of the United States, if the postal convention with New Granada of the 6th of March, 1844, is to be regarded as in force. It cannot be ascertained from the record and files of this department that the convention referred to has been terminated pursuant to the stipulation upon that subject in the eleventh article.

The consul at Panama has transmitted to the department a copy of a communication to him of the 20th ultimo, from the President of that State, claiming the right under the decree to exact tonnage dues from our vessels. This pretension, however, will not be acquiesced in, pursuant to the terms of the decree itself, and even in the absence of a postal convention would be regarded as unwarrantable under the 35th article of the general convention with New Granada of 1846. The views of my predecessors, Messrs. Marcy and Cass, upon this subject, are entirely concurred in. Under these circumstances it is to be hoped that the Colombian authorities will make no attempt to exact tonnage duties from our vessels carrying passengers and mails to Aspinwall and Panama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Seward to Mr. Burton.

No. 164.]

DEPARTMENT OF STATE,

Washington, November 13, 1866

SIR: I have the honor to acknowledge the receipt of your despatch No. 277, of the 3d ultimo, informing the department of the inquiry you addressed to the government of Colombia as to its interpretation of the treaty concerning the isthmus in case of an insurrection in that locality, and of the reply you received thereto.

Your action is approved by the department, and I thank you for the assiduity and diligence with which you have gathered information that may ultimately be useful.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Burton to Mr. Seward.

No. 281.]

LEGATION OF THE UNITED STATES,

Bogota, November 16, 1866.

SIR: The project of establishing a submarine telegraph between the island of Cuba and the isthmus of Panama is eliciting some interest here at this time. The President of Colombia has decided to submit the subject to congress,

which will meet on the 1st of next February. It is thought that an exclusive privilege to construct and work this line of telegraph will be sought with avidity by numerous American citizens and British subjects. It would seem important to the interests of our country for the enterprise to be under the control of our citizens. For the information of the department, I enclose the accompanying papers relating to the matter.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

[Translation.]

UNITED STATES OF COLOMBIA—EXECUTIVE POWER OF THE UNION—DEPARTMENT OF FINANCE AND PUBLIC WORKS—SECTION 4—BUREAU OF PUBLIC WORKS—NUMBER 184.

BOGOTA, November 3, 1866.

The President of the Union has been made acquainted with the memorial which you have addressed him, asking the exclusive privilege for the laying of submarine telegraphs, connecting the isthmus of Panama with the most important ports of the Pacific and Atlantic, with branches to the principal Antilles, uniting in Cuba with the cable between the island and Florida—that is, with the telegraphic network of the civilized world.

The realization of this idea will bring to the Latin American continent immense benefits, particularly to the Colombian Union, and had already occupied the attention of the President, who, without ceasing, labors for the aggrandizement and progress of the nation which has intrusted its destinies to him.

The undertaking of an enterprise so grand, overcoming numerous obstacles, has already erected its first monument with such brilliant success, crowned the desires and interests of civilization, and could not but be accepted by the President with patriotic enthusiasm; and although he does not believe himself authorized to grant such privilege, he accepts the idea with the most fervent interest, and will give it the protection and encouragement which it merits.

To that end he has resolved to submit his decision to the next congress of Colombia, and doubts not that the enterprise will have a favorable result.

I have the honor to communicate the foregoing to you in answer to your representation.

FRANCISCO AGUDELO.

Messrs. JOHN C. BEALES, PEDRO DE ZER, and BEALES, LABARRA & Co.

NOTE.—Under the same date and No. 235, the same answer was given to Warren C. Foster.
AGUDELO.

Mr. Burton to Mr. Seward.

No. 283.]

LEGATION OF THE UNITED STATES,

Bogota, November 18, 1866.

SIR: I have the honor to enclose the annexed circular addressed by Colombia, nominally, on the 2d of last September—but it has probably been ante-dated—to the nations engaged in the existing war with Paraguay.

It will be seen that Colombia declares it impossible for her government and people to remain indifferent should the war waged by the allied powers have for its object or tend in its effects to impair the independence or sovereignty of Paraguay.

It is not likely that this declaration will have any marked influence on the course of the war, as Colombia has neither a man nor a dollar to employ in mak-

ing it good, which is well known to the parties addressed. The declaration is perhaps only the outbreaking of one of President Mosquera's fits of supercilious vanity, which in him are irrepressible.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

[From El Registro Oficial, No. 795.—Translation.]

Notes addressed to the governments of Brazil, Uruguay, and the Argentine Republic.

UNITED STATES OF COLOMBIA, DEPARTMENT OF
THE INTERIOR AND FOREIGN RELATIONS,
Bogota, September 2, 1866.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, has the honor to address his excellency the minister for foreign relations of * * * * for the purpose of making known to him that having come to the knowledge of the Colombian government some of the stipulations contained in the treaty concluded on the 1st of May, 1865, between Brazil, the Argentine republic, and Uruguay, on undertaking the war which said republics (?) are prosecuting against Paraguay, the government of the Colombian Union esteems it its duty to submit for the consideration of the allied governments some reflections which it believes will be kindly received and fully appreciated by those governments, on account of the motive which inspires them.

However painful it may have been for the government of this republic to contemplate the spectacle offered by the allied republics in making war against Paraguay, and especially in view of the solemn and critical circumstances through which America is now passing, and when the cannon of our former mother is thundering in the Pacific, threatening the existence of two nations of this continent, and endeavoring, perhaps, to trample down the principles of American sovereignty and liberty, so indelibly stamped on the annals of our emancipation, nevertheless, this government, which would have seen with pleasure the re-establishment of peace between neighboring and even sister nations, could not for the reasons first named have ignored the right of sovereign and independent nations to form alliances offensive and defensive, and to appeal in extreme cases to the use of arms.

But even admitting this doctrine, the Colombian government, taking into consideration official publications within its knowledge, does not hesitate to say that if, as appears from the treaty of May 1, 1865, the war between the Argentine republic and Uruguay and the empire of Brazil on the one side, and the republic of Paraguay on the other, shall have for its object or should result in the dismemberment of Paraguay or in the annihilation of its sovereignty and independence, the government and people of the Colombian Union, true to the principle of respecting inviolably the autonomic and free entities on this continent, could not remain indifferent should such act be consummated, because, aside from the unfortunate precedent which would be thereby established, and which might sooner or later expose other nationalities of the new world to perish, it would be in open conflict with all our political and social traditions from the time when the American colonies, comprehending their rights, proclaimed their independence and constituted themselves free and sovereign nations. If the idea of conquest and colonization has been abandoned by almost all enlightened nations; if the dogmas of modern civilization oppose the principles of vassalage and slavery which prevailed in the past ages of ignorance; if we, on emancipating ourselves from the mother country, proudly proclaimed the great principle that the people are sovereign and the source of all power, having the inalienable, essential, and indisputable right to rule their own destinies, what might not be justified rather than give even the show of reason and right to the scandal with which America would contemplate—not astonished, but indignant—the disappearance of one of its nationalities, subjugated, conquered, and cut to pieces by others?

The undersigned, therefore, fulfils the express orders of the grand general, President of the Colombian Union, in putting within the knowledge of * * * * through the honorable organ of your excellency, that the Colombian government and people, recognizing on the one hand the right of the natives allied against Paraguay to make war in common against the republic, would, on the other hand, see themselves under the necessity of solemnly protesting, and in fact do protest henceforth, if such war shall have for its object, result, or consequence, the disregard or destruction of the sovereignty and independence of an American nation, to

establish over it a protectorate, or to deprive it in fine of its eminent and essential right to direct its future destiny.

The undersigned lastly has the honor to offer to his excellency the minister of foreign relations of * * * * the assurances of the high esteem and very distinguished consideration with which he subscribes himself, your excellency's very attentive, obsequious servant,
JOSÉ M. ROJAS GARRIDO.

Mr. Burton to Mr. Seward.

No. 284.]

LEGATION OF THE UNITED STATES,

Bogota, November 20, 1866.

SIR: The department will learn from the accompanying decree that President Mosquera has directed that prizes captured by the belligerents in the war existing between Spain and the allied republics of the Pacific may be brought into ports of Colombia, on the condition that they be placed under the jurisdiction of the national supreme court for adjudication.

The decree protests impartiality, but if President Mosquera had the power to do what he has undertaken, the effect would be unfair and injurious to Spain, as the Atlantic ports of Colombia would thereby be converted into naval stations for the allies, who have no station on that ocean, while Spain has.

I happen to know that Colonel Freire, the Peruvian minister here, has said quite confidentially to a colleague that this step has been taken by Colombia at the instance of Peru; that the allies are on the eve of attacking Cuba and Porto Rico, for the purpose of wresting them from Spain and erecting them into an independent republic, to prevent their falling into the hands of the United States; and that eight iron-clad and twenty-four wooden vessels are ready for the enterprise. I do not believe it.

My colleague, the British minister, and I are agreed that the decree is not in consonance with international law. We have deferred taking any notice of it, however, unless ordered to do so by our respective governments. Should a vessel belonging to a citizen or citizens of the United States be seized and taken into a Colombian port before I am honored with the instructions of the department, which is not likely, I shall esteem it my duty to demand the immediate release of such vessel, and in case of a refusal to report the case to our nearest naval officer, with a request that he rescue it by force.

The annexed paper, D, from a newspaper of this city, seems to put this proceeding in about a correct light.

It was known here generally, long before the date of the paper C, that the cannons therein mentioned had crossed the isthmus and been placed on fortifications on the Pacific coast from Callao to Valparaiso.

I have the honor to be, sir, your obedient servant,

ALLAN A. BURTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

[From El Registro Oficial, No. 796.—Translation.]

Report of the Secretary of the Interior and Foreign Relations on the adjudication of marine prizes.

SEÑOR PRESIDENT: I have examined the question of prize tribunals and am of the following opinion:

The universally recognized principle of international law is, that the jurisdiction of prize

causes belongs exclusively to the nation of the captor, inasmuch that a sentence pronounced by a tribunal of an allied nation is considered illegal.

According to many cases decided by the British tribunals the sentence of a prize court sitting under the commission of a belligerent in neutral territory is not considered valid, although the proceedings be had by consent of the neutral powers.

This is the doctrine generally recognized, but Wheaton establishes two exceptional cases in which the neutral may adjudicate the prizes which may be brought into its ports: 1st, when the capture is made within the limits of a neutral state; and 2d, when the captor has armed his vessel in said territory. He then adds that these exceptions to the exclusive jurisdiction of the courts of the nation of the captor have been extended by the civil regulations of some countries to the restitution of the property of their own subjects in all cases in which the prize is illegal and brought to their ports; and thus he attributes to the neutral tribunal the decision of the question of good or bad prize, provided the captured property is brought into the neutral territory.

The marine ordinance of Louis XIV, of 1681, contains also a like principle, and its justice is vindicated by Valin upon the ground that this is done by way of compensation for the privilege of shelter given to the capturing vessel and the prize in the neutral port. There is no doubt that the neutral having the right to admit or not the prizes into its ports, may impose the condition of adjudicating them in case they come in, although this does not deprive the tribunal of the captor of exclusive jurisdiction to decide upon the legality of the capture, either while the prize remains in the neutral port or if it is carried *infra presidio* to the place where the tribunal is sitting.

Azuni gives also this latitude to the jurisdiction of neutrals, but Bello thinks it not conformable to the present custom, and particularly to the practice of the United States of America, whose Supreme Court, in the case of the "*Invincible*," declared that American tribunals were not competent to redress wrongs which might be supposed to have been committed on the high seas against the property of the citizens of said states by a cruiser carrying a lawful commission from a friendly power; and said author thus limits the jurisdiction of neutrals to the case of a cruiser whose prize is carried into a friendly port, has violated the neutrality of the power in whose territory it is found, either by having been armed or manned there, without its consent, or by committing acts of hostilities in its waters.

In the case of the "*Estrella*" it was declared by the Supreme Court that the right to adjudicate prizes and settle all questions relating to them belongs exclusively to the nation of the captor; but that an exception to this rule is, that when the captured vessel is found under the batteries of a neutral power the courts of the latter have power to inquire whether the capturing vessel has infringed its neutrality; and this being the case, they are bound to restore to the original owners the property captured by cruisers illegally armed, fitted out, or manned in its ports; it being to be borne in mind that the exemption enjoyed by the vessels belonging to the marine of a foreign state in the ports of a neutral power by leave of the sovereign, express or presumed, does not extend to the ships and merchandise carried into said ports, which have been captured in contravention of the neutral privileges of that power.

Here, then, is the only incontrovertible and rightful exception which gives jurisdiction to neutrals over prizes carried into their ports, and which rests on the fact that the belligerent has violated its neutrality.

This dividing line, says Bello, between belligerents and neutrals, so far as it relates to prizes, is clear and precise.

Notwithstanding this, it is sustainable, in my opinion, that the neutral has the right to adjudicate on prizes voluntarily or forcibly brought into its ports, provided the belligerent who has the right to do so agree to it, and that the neutral extend the principle to the other belligerents, in order that its treatment of all be alike, which is the duty of neutrals.

No one can deny that one nation may grant to another the exclusive and perfect right which it has to adjudicate its prizes, for in so doing offence is offered to nobody; and neither can it be denied that the neutral, without losing that character, may accept that right, provided, as has just been said, it observes the same conduct towards the other belligerent. In this case the neutral does not judge by delegated power, but in virtue of its own authority, in consequence of the exclusive right of the belligerent to judge having been transferred to the neutral.

I know of no author who treats the question under this aspect. It seems that the case has not been foreseen; but it is deducible from the principle that a neutral may do all in aid of one belligerent which he may do for the others, provided the neutral does not engage in the war, directly or indirectly, that prizes may be adjudicated by neutrals under the conditions indicated, and with greater reason, if it is considered that the doctrine is sustained, as we have seen, by some on the ground that the act is not a hostile one, and by the duty which every neutral is under to protect the interests of its citizens, which may easily be effected by the captures of belligerents.

JOSE MARIA ROJAS GARRIDO.

B.

[Translated from El Registro Oficial, No. 796.]

Decree upon the adjudication of maritime prizes.

J. C. MOSQUERA, GRAND GENERAL, PRESIDENT OF THE UNITED STATES OF COLOMBIA.

The preceding report of the secretary of the interior and foreign relations having been considered, and, considering—

1. That the war between Spain and the republics of the Pacific unfortunately has not terminated.

2. That it is the duty of the United States of Colombia, as a nation neutral in that war, to lend their good offices to the belligerents, to the end that maritime prizes, should captures take place, may be justly adjudicated, provided they shall be brought into the ports of the republic, and the belligerent having exclusive jurisdiction over them shall agree to it;

3. That said prizes may rightfully be adjudicated, also, in case any belligerent shall violate the neutrality;

4. That the government is bound to protect the interests of Colombians that may be affected by the capture of maritime prizes, and for this reason it is indispensable to inquire if the prizes brought within its ports have been taken in violation of the neutral rights of any of the belligerents; and

5. That the government of the Union has the right to permit or deny the entrance of maritime prizes into its ports, and to require as a condition of their entrance, their adjudication by the tribunals of the republic as a compensation for receiving the captors and their prizes—

I decree:

ARTICLE I. The cruisers of the allied republics of the Pacific, in the war with Spain, may carry their maritime prizes into any port of the republic, but their adjudication shall belong to the supreme federal court, conformably to the national constitution and law it being understood that the fact of bringing in the prizes shall be proof of the acquiescence of the sovereign of the captor that it be judged by said tribunal.

ART. II. The cruisers of Spain in the war mentioned may carry their prizes into the ports of the republic; but their adjudication shall belong to the supreme federal court, conformably to the national constitution and law, it being understood that the fact of bringing the prizes in shall be proof of the acquiescence of the sovereign of the captor that they be judged by said tribunal.

ART. III. The highest political authority of the port in which the prize may arrive shall require the captor to present the sea papers of the vessel or the property captured, and shall proceed immediately to examine the officers and marines, which proceedings, proofs taken, and original documents of the captured vessel, shall be as soon as practicable reported to the supreme federal court, that it may take jurisdiction of the case.

ART. IV. The vessels that may be declared good prize may be sold in the ports of the republic.

ART. V. The cruisers shall be permitted to enter the ports of the republic, provided that from injuries or other cause they cannot continue on their way, but they shall not remain more than twenty-four hours or the time indispensable for repairing damages in the judgment of the chief political authority of the port.

ART. VI. Let this decree be communicated to the belligerent nations.

Done in Bogota this November 17, 1866.

T. C. DE MOSQUERA.

JOSÉ MARIA ROJAS GARRIDO,

The Secretary of the Interior and Foreign Relations.

C.

[Translated from El Registro Oficial, No. 802.]

Note of the Secretary of the Interior and Foreign Relations to the government of the State of Panama upon neutrality.

UNITED STATES OF COLOMBIA—SECRETARYSHIP OF THE INTERIOR AND FOREIGN RELATIONS—NUMBER 41, SECTION 2—DEPARTMENT OF THE INTERIOR.

BOGOTA, November 18, 1866.

Señor Secretary of State of the government of the sovereign State of Panama:

The President of the Union has learned that there are some rifled cannon and various other elements of war in that State on their way to Peru, and as the transit of said elements over the isthmus is contrary to the neutrality of Colombia in the existing war between the Pacific

republics and Spain, and which the government of the State has so many times been notified to strictly observe, the government orders that you immediately take possession of said cannon and place them in the possession of the commander of the national park in Panama, and also any other elements of war that may pass the isthmus, destined for either of the belligerents.

Your attentive servant,

JOSE MARIA ROJAS GARRIDO.

D.

[Translated from *El Mensajero*, No. 26, November 30, 1866.]

The law of nations revised and simplified by the executive power.

Our indefatigable President, who has made a vow to make all crooked things straight, and the straight crooked, has not confined himself in his recreations to making amendments to the constitution and laws of the country; he has also condescended to extend his protecting hand over the maritime powers, and has lately corrected and added to international law in the matter of prize courts.

The *Registro Oficial*, No. 796, contains a decree of the executive power, preceded by a report of the secretary of foreign relations in which it is declared "that the cruisers of Spain and of the allied republics of the Pacific, between which war now exists, may bring their prizes into any port of Colombia; but they must be adjudicated by the supreme federal court, according to the constitution and law, it being understood that the fact of bringing the prizes is proof of the acquiescence of the sovereign of the captor."

As Colombians we feel deeply humiliated at seeing an ex-president of the supreme court and the national executive officially and solemnly proclaim as principles of international law ideas that may occur to them, thus exposing themselves to the ridicule of the diplomatists resident at the capital, and of every well-informed man to whose knowledge the report and decree may come.

The secretary says, in his report, that the courts of the country of the captor have exclusive jurisdiction to adjudicate the prizes taken by him. This rule is well known. It forms part of the history of civilization itself, and has been uniformly maintained by the maritime nations of the earth down to our day, with the exception of a temporary innovation made by France during the political convulsions in that country at the close of the last century.*

The common sense as well as legal reason of this rule is, that the sovereign of the captor being responsible to the governments of other nations, the subjects of which have been wronged by his cruisers, it is but just that he should have the exclusive right to inquire into their conduct through the agency of his courts. A sentence of condemnation in a prize cause, by a legal prize court having complete jurisdiction, protects the purchase of the prize in his possession, and justifies the captor before his own sovereign, but it is not conclusive as to other parties. Here the responsibility of the captor ends, and that of the sovereign begins, and the governments of other nations whose subjects have been wronged by the captures or by a sentence not in conformity to public law, will hold that of the captor liable therefor. This is A B C law learning, ignorance of which would in most countries condemn the merest novice in jurisprudence as an incorrigible dunce.

If either belligerent named in the decree to which we allude should accept the offer of the President of Colombia to receive prizes in the ports of the republic and to have them adjudicated by the supreme federal court, Colombia will in every case be responsible for the mismanagement in her ports of captured property brought into them, and for the mistakes and erroneous sentences of that court.

The exceptions named by the authors to which the secretary refers only confirm the inextricableness of this rule, and in themselves go far towards refuting the conclusion reached by him. A belligerent has the right to demand impartiality of neutrals and security within their jurisdictional limits, and may hold them responsible for his property captured or destroyed there by an opposing belligerent. In the cases of injury to the neutral by violating his neutrality the law of nations permits him to exercise a limited jurisdiction by way of civil reprisal or indemnity, and to redress his own wrongs, the means of doing which being in his own hands in the shape of the illegally captured property. The only question, however, for the neutral court in such cases, as well as the case provided for by articles 14 and 15 of the famous ordinance of Louis XIV, is from the very nature of this exceptional jurisdiction simply one of prize or no prize. If the capture be wrongful in the first case, for either of the reasons upon which the jurisdiction rests, or for any reason in cases to which the provisions of the ordinance referred to are applicable, the neutral court restores the property to its ori-

* Phillimore contends that prizes may also be adjudicated by the courts of the captor's ally for the reason that *unum constituent certitum*. But Chancellor Kent, in his *Commentaries on American Law*, vol. 1, page 103, says, "the court of an ally cannot condemn," and Wheaton is no less positive.—*Elements of International Law*, part 4, chap. 2, sec. 13-16.

ginal owner. If the capture be lawful or good prize the neutral court has no jurisdiction, and the prize is dismissed for adjudication by the courts of the country of the captor. The neutral court can in no case condemn the prize. The courts of the capturing belligerent alone can condemn.

Some neutral nations, into the ports of which the property of their subjects captured by a belligerent on the high seas may have been brought, insist, as a compensation for receiving such captures, on the right to decide the question of prize or no prize as to the property belonging to their own subjects. This jurisdiction is also a limited one, is confined to the only parties in interest and does not, as a general or complete prize jurisdiction, affect other parties. It is more in the nature of an arbitration than the forced jurisdiction of a court, and therefore innocent as to the rest of the world. Its exercise is confined to restoring the property wrongfully captured from the subjects of such nations, instead of their having to go to the courts of the captor's country. The neutral court in such case has no jurisdiction as to the property of subjects of other nations so captured, neither has it jurisdiction to condemn under any circumstances if the capture turn out to be lawful; as we have said before, belligerent courts alone have that power.

Why should the President of Colombia confer complete jurisdiction on the supreme federal court by way of compensation for admitting into our ports the prizes and their convoys of Spain and the Pacific allies, when the supposed compensation can be none else than a heavy burden—a fearful responsibility to be eschewed at all hazards? It is certain that no other nation whose government is influenced by good sense would accept such a burden out of the mere love of dabbling in everything, as the President of our republic takes upon his shoulders. It is no less than a reckless and unwarrantable attempt at innovation and to invade the rights of other nations, and will consequently be found offensive to them, should it more than excite their ridicule. They cannot attribute to a proceeding so unprecedented and unaccountable any but unworthy motives when no good end could be served by it, if it could be carried out, but which fortunately will not be the case. It is not at all probable, however, that other nations will be under the necessity of interfering in the matter further than by friendly remonstrance; for it is not likely that any people far enough advanced to be able to seize prizes will intrust them to the adjudication of the tribunals of a country whose government shows such palpable ignorance in a most commonplace matter with other peoples as that manifested by that of Colombia in the report of its foreign secretary and the decree of its President, of which we are treating.

The secretary says, with a coolness that argues conviction at least, but does not sustain it by reference to any author, "that no one can deny that one nation may concede to another the exclusive and perfect right it has to judge prizes, for in so doing offence is offered to nobody, and neither can it be denied that a neutral without losing that character, may accept that right provided he observes the same conduct towards all the belligerents."

These are the very things we do controvert, and which no one can truly affirm; for they are utterly at war with the doctrines of all writers on international law and the immemorial uniform usage of maritime nations.

Had the learned secretary given due attention to the paragraph of the distinguished publicist next after that from which he has extracted so copiously, he would have been saved the mistake of supposing that the vacuum exists in the code of nations which the President has hastened to fill, and would likewise have escaped the fatal error of asserting the principles which we have just quoted in substance from his report. He would have found it there expressly and emphatically declared, in accordance with all writers on the subject, that the exclusive jurisdiction of which he speaks cannot only not be delegated to be exercised in neutral territory, but that the neutral can neither consent to its exercise there, nor exercise it himself, and for the simple reason that the law of nations does not permit it. Not the belligerents alone are interested in this jurisdiction; it concerns the whole world, for the vessels of the whole world, and more particularly of neutrals, are liable to be captured in any naval war between any two or more nations. Prize courts and their jurisdiction, well understood and defined, have been established and assented to by general public law and their organization and powers can be changed only by general public law. It is not for belligerents, or a neutral, as the President of Colombia in the present instance, to circumscribe or enlarge, or modify that jurisdiction. The voice of civilization alone can do that, for it is the work of the aggregated civilization of mankind, whose interests depend upon it, and who have it in joint keeping.

The secretary seems not to have remembered that the condemnation of prizes is styled by law writers "the last act of hostility," as it is in its effects one of the highest acts of hostility. By its exercise alone the party would lose his neutrality. He would, in fact, become an active participant in the war; and should he, as the President's decree presupposes, condemn prizes for all the belligerents, he would find himself in the anomalous predicament of encouraging and aiding in the war, by committing acts of hostility for and against all parties.

The secretary, in fact, mistakenly deduces his newly discovered doctrine to meet a deficiency never before known, as he believes, and which discovery is to redound to the honor or ridicule of Colombia, from the rule which allows a neutral to give the same impartial assistance to all belligerents, if in so doing he commits no hostile act, or takes no hostile part in the war. But we have seen that the adjudication of prize cases with the consent of the capturing

power, deduced by the secretary from this rule, would be a hostile act, and is therefore forbidden by the admonitory part of the rule itself; and it is to be borne in mind that this impartial aid on the part of neutrals, spoken of by writers, and referred to by the secretary, is limited to *material aid*, and not to exercise of brain-power, such as the holding of prize courts. Besides the secretary seems to have forgotten that new usages or rules of international law cannot be established by deduction or analogy. All speculation is positively excluded. So nearly perfect has that code been considered from time whereof the memory of man runneth not to the contrary, that the only allowable method for reforming or changing it is by treaty; and such change is not binding on the world until a majority at least of the world has assented to it. The whole system is, in the main, the work of gradual accretion, based on the consent of ages, and not of sudden acquisition or innovation.

It may not be amiss to remind the secretary that the greatest admiralty judge of the past and present century has, with approbation, held the following language, with reference to the very question under consideration: "In my opinion, if it could be shown that, regarding mere speculative principles, such a condemnation ought to be deemed sufficient, that would not be enough; it must be shown to be conformable to the usage and practice of nations. Where it (the usage and practice) stops you are not at liberty to go further, and to say that more general speculative principles bear you out in further progress. It is not my duty to admit that because one nation has thought proper to depart from the common usage of the world, and to meet the notice of mankind in a new and unprecedented manner, I am under the necessity, on that account, of acknowledging the efficacy of such a novel institution, merely because general theory might give it a degree of countenance independent of all practice from the earliest history of mankind. The institution must conform to the text law, and likewise to the constant usage upon the matter." The secretary expressly informs us that there is no *usage or text law* sustaining his conclusion. It is a mere deduction from general principles, which we have seen is not admissible to change established usages in matters of international law. Besides, his deduction is positively forbidden by usage and text law.

Moreover, another insuperable objection would seem to present itself to this extraordinary assumption of the President of Colombia to regulate matters of universal concern. The validity of the sentences of a prize court depends in part on the legal organization of the court, and the legality of its jurisdiction, when tested by the laws of the country in which it sits. A want of either requisite renders its sentences absolutely null. Now, whence does the President derive the authority to confer this jurisdiction to adjudicate prizes of foreign belligerents on the supreme federal court? The attempt is a palpable attempt to violate the law of nations, which law is a part of the constitution and laws of the republic. The powers and jurisdiction of that court are given and strictly defined by this constitution and these laws, and neither gives the President the power to interfere with either. His decree would seem, therefore, to be as futile as the pope's bull against the comet. For the power of the court, as the court of a neutral nation, to adjudicate the prizes of belligerents by the consent of the captors, is not among the powers conferred on it by the constitution or laws, expressly or by implication.

The truth is, the arbitrariness of General Mosquera, and his inordinate love of interfering in matters that do not concern him, have on this occasion passed all bounds of seriousness and reached the utmost height of ludicrousness. The chief of a nation which has not a single vessel, whose commerce is entirely in the hands of other nations, destitute of experience in naval warfare, and palpably benighted in matters of maritime laws and usages, with an air of presumption ridiculous to behold, peers up his head above the great naval powers, and overturns the established usages of civilization with respect to the most important of all maritime operations, coeval in its origin with civilized warfare, and accepted by the wisdom of ages.

COLOMBIAN LEGATION.

General Salgar to Mr. Seward.

[Translation.]

WASHINGTON, December 22, 1865.

General Salgar's respects to the Hon. William H. Seward, Secretary of State, with a copy of the address he proposes to make to the President on presenting his new credentials as envoy extraordinary and minister plenipotentiary from the United States of Colombia.

HON. WILLIAM H. SEWARD, &c., &c., &c.

YOUR EXCELLENCY: The government of Colombia, solicitous to foster and encourage the friendly relations binding it to the United States, and to fulfil the stipulations that have formed the matter of special treaties between the two nations, has lately conferred upon me the character of envoy extraordinary and minister plenipotentiary near the government of your excellency.

The footing of perfect understanding and cordiality which the two countries have reached, the increase of their mutual commercial transactions, and their topographical and political conditions, are worthy of special consideration.

For this reason I heartily congratulate myself on placing in the hands of your excellency, as I do, the autograph letter of the President of Colombia accrediting to me the mission to preserve and render advantageous a friendship that rests on such legitimate interests, and to protest my respectful deference to your excellency, hoping that I may continue to deserve your confidence and benevolent consideration.

Mr. Seward to General Salgar.

DEPARTMENT OF STATE,

Washington, December 26, 1865.

SIR: I have had the honor to receive your note of the 22d instant, informing me that the government of the United States of Colombia has been pleased to confer upon you anew the character of envoy extraordinary and minister plenipotentiary near the government of the United States of America, investing you for that purpose with the respective full powers and the necessary credentials, a copy of which accompanies your communication, in which you ask me to name a day and hour for you to present the autograph letter of the President of Colombia to the President of the United States.

In reply, I have the honor to state that, having communicated your wishes to the President, I am instructed to inform you that he will be pleased to receive you to-morrow, the 27th instant, at 12 o'clock, noon.

If you will be pleased to call at this department a short time before the hour named, it will afford me great pleasure to accompany you to the Executive Mansion.

With renewed assurances of my very distinguished consideration, I have the honor to remain, sir, your most obedient servant,

WILLIAM H. SEWARD.

Señor General Don EUSTORJO SALGAR, &c., &c., &c.

Mr. Seward to General Salgar.

DEPARTMENT OF STATE,

Washington, December 26, 1865.

The Secretary of State presents his compliments to General Salgar, and has the honor to acknowledge the receipt of his note of the 22d instant, with which he transmits a copy of the address which he will deliver on the occasion of presenting to the President his new credentials as envoy extraordinary and minister plenipotentiary of the United States of Colombia.

The Secretary of State avails himself of this opportunity to enclose to General Salgar a copy of the reply which will be made by the President, and to renew to General Salgar the assurances of his very distinguished consideration.

Señor General Don EUSTORJO SALGAR, &c., &c., &c.

Reply of the President.

DECEMBER 27, 1865

GENERAL: It was with sincere regret that I recently received your letter of recall. I need not say, therefore, that it is with sincere satisfaction that I now receive the letter which accredits you again as envoy extraordinary and minister plenipotentiary of the United States of Colombia to this government.

I renew on this occasion my former assurance of friendship and good will to your countrymen and to your country, and of personal esteem to yourself.

General Salgar to Mr. Seward.

MEMORANDUM.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of Colombia at Washington, moved by convictions of the importance of an interoceanic ship canal across the isthmus of Darien, and especially that portion of it known as the isthmus of Panama, to the best interests of the world, and especially, to this continent, has the honor to offer the following proposals to the Secretary of State of the United States, subject to the approval of his own government.

1st. The United States of Colombia willingly accedes to the exploration and survey of any portion of the aforesaid territory by the United States of America, in order to determine the best topography for such canal.

2d. Colombia will zealously co-operate for this end, and will give to any expedition as aforesaid all the authorization, aid, and comfort within its power to facilitate its object.

3d. The Colombian government, having in view the obstacles opposed to the task through hostile Indians, grants the United States the privilege to unite with the expedition a force sufficient for its protection therefrom, conceding thereto the privileges which an army has when marching by permission through a friendly State, and the right of self-defence, it being understood that said force shall not exceed 150 men, rank and file, unless actual forcible resistance by hostile Indians or others shall render an increase necessary, and this not to exceed 500 men more. This force is not to remain in the country longer than the said survey may require, nor be employed for any other object whatever.

4th. The United States of Colombia will supply the expedition with all the maps, charts, surveys, reports, plans, or information whatsoever in its possession which the engineers may deem calculated to facilitate their labors, and which may be consonant with existing obligations of Colombia.

5th. It is understood that the expenses of this exploration, except as otherwise stipulated, shall be borne exclusively by the United States.

6th. In consideration of the premises the United States of Colombia grants to any organized company of citizens of the United States of America, or its agents or assigns, the right of priority or preference to construct and use an interoceanic ship canal within and across the aforesaid territory, with all the necessary lands and collateral privileges to render the same effective, as may be hereafter agreed upon as satisfactory to the United States of Colombia and the company aforesaid, so that if by virtue of said survey said work, is to be undertaken upon the same terms, any company as aforesaid shall have the preference over any other company whatsoever. It being understood that if, after the expiration of the three years assigned for the completion of the survey, as prescribed in the next article, the said survey has not been made, or if it does not favor the undertaking, or if another survey be on such account deemed necessary and executed by direction of the Colombian government, then, and in any one of such cases, this privilege of priority, or preference, in favor of citizens of the United States of America shall terminate.

7th. The exploration aforesaid is to be commenced within a year, and to be finished within three years from the date of the confirmation hereof by the two governments.

8th. It is agreed that the engineers in charge of the survey shall make the same identical reports upon the progress and result of their labors to the government of Colombia as they shall make to the government of the United States of America, accompanying them with the same illustrations, maps, charts, drawings, &c.

9th. Upon receiving a reply to this memorandum, the undersigned will promptly submit the subject to the consideration of his government, that confirmatory action may be taken thereon by the present Colombian congress, thus expediting the enterprise.

EUSTORJIO SALGAR.

WASHINGTON, *March 16, 1866.*

Mr. Seward to General Salgar.

DEPARTMENT OF STATE,

Washington, March 19, 1866.

SIR: I have the honor to acknowledge the receipt of the memorandum of the 16th instant, relative to the construction of an interoceanic ship canal across the isthmus of Darien, which you were pleased to submit to me.

Having taken the President's views thereon, I beg to inform you, in reply, that if the proposition, in the form in which you have presented it, shall be sanctioned by the government of Colombia, through the requisite treaty stipulations, the United States will accede thereto, subject, however, to the ratification of the Senate.

I avail myself of this occasion to renew the assurances of my distinguished consideration.

WILLIAM H. SEWARD.

Señor Don EUSTORJIO SALGAR, &c., &c., &c.

Señor Pinzon to Mr. Seward.

[Translation.]

UNITED STATES OF COLOMBIA—DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS.

BOGOTA, *April 5, 1866.*

The undersigned, secretary of the interior and foreign relations of Colombia, has the honor to transmit to the honorable Secretary of State of the United States a certified copy of the autograph letter addressed by the citizen president of the Colombian Union to the President of that republic, informing him that he is charged with the national executive power, as first delegate, in the absence of the grand general Thomas C. de Mosquera, president elect of the United States of Colombia.

The undersigned takes this occasion to present the assurances of his distinguished consideration.

CERBELEON PINZON.

[Translation.]

JOSÉ MARIA ROJAS GARRIDO, PRESIDENT OF THE UNITED STATES OF COLOMBIA.

To his Excellency the President of the United States of America:

GREAT AND GOOD FRIEND: In the absence of the grand general Thomas C. de Mosquera, President elect of the United States of Colombia, I have assumed the title and charge of the executive power of the Union, on the first of the present month, as first delegate to that office.

In the position to which I have been called by the votes of the representatives and plenipotentiaries of Colombia, I shall deem it one of my chief and most sacred duties, during my administration, to foster the friendship and intimacy of the good relations that happily unite my country to the nation under your worthy rule.

I protest to you the assurances of my most distinguished consideration.

JOSE M. ROJAS GARRIDO.

CERBELEON PINZON,
Secretary of the Interior and Foreign Relations.

Done in Bogota on the 5th day of April, 1866.

A true copy :

CERBELEON PINZON.

Mr. Salgar to Mr. Seward.

[Translation.]

LEGATION OF THE UNITED STATES OF COLOMBIA,
Washington, October 16, 1866.

MR. SECRETARY: On the night of the 10th of November, 1865, a sailor belonging to the American war steamer James Adger, who was on watch at one of the covered piers of the port of Aspinwall, (Colon,) in Colombian territory, killed a subject of her Britannic Majesty, named George Holmes.

The legal functionary immediately proceeded to an examination of the case, to ascertain the facts and determine the responsibility, but as the criminal laws of the country in such cases require the presence of the accused or presumptive criminal, in further prosecution, the authorities requested the delivery of the seaman through the American consul. This request was twice made by the authorities, and was disregarded both times, the consul adducing privileges in his support which are not acknowledged by existing treaties nor sanctioned by the principles of the law of nations, and could not be recognized on any occasion, because they essentially violate the self-government of every independent nation.

The criminal process thus being suspended, the government of Colombia could not, without neglecting one of its most binding obligations, fail to inform your government of the deplorable event of the night of the 10th of November, and of the fact that the sailor was taken out of the jurisdiction of Colombia, which has, up to this time, prevented the execution of the law, and the regular and prompt administration of justice in the case referred to. In fact, on the 22d of December of that year, a statement of the case, with the respective documents, was sent to the Hon. Allan A. Burton, minister resident of the United States in Bogota, by the secretary of foreign affairs, and was thence sent to the Department of State, where it is awaiting a decision.

The Colombian government, desirous of finishing this business, has recently instructed me to repeat the question put by the Hon. Mr. Burton. For that purpose I address you this communication, requesting you to examine the documents sent, as I have stated.

The government of the United States of Colombia considers this a question of great delicacy and serious importance, as it involves the dignity of its laws and the rights of its jurisdiction, emanating from the sovereignty it exercises over its whole territory; and if you take into consideration that the act was perpetrated on the isthmus of Panama, and on the person of a foreigner, you will at once see that the interests of the isthmus transit are not less involved, as the commerce of the world requires the security of that highway, which you have always duly appreciated.

From this you may judge of the nature of the motive of this question, indeed foreign to all expectation, and only wishing legal formalities to be enforced and the act that seems penal may be qualified, and the author made responsible or

not, according to circumstances. If not guilty, he would be cleared; if guilty he would be condemned by the courts of Colombia, having been granted all the means and guarantees of defence to which he is entitled. In both cases there is reason to believe that not only the government of the United States and of Colombia would be satisfied, but also that of her Britannic Majesty, which has intervened directly in this case by virtue of the protection due to its subjects, and has called for a trial of it, that the accused may be cleared or condemned.

Animated by the spirit of rectitude that distinguishes your government, I conclude by requesting that it order the immediate delivery of the sailor mentioned to the governor of the State of Panama, or to his agent, the prefect of the department of Colon, (Aspinwall.)

I have the honor to renew the sentiments of my high personal consideration.
EUSTORJIO SALGAR.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Salgar.

DEPARTMENT OF STATE,

Washington, October 27, 1866.

GENERAL: Your note of the 16th instant, relative to the killing of George Holmes, at Aspinwall, on the 10th of November last, by a marine belonging to the United States war steamer James Adger, was duly received, and has been taken into consideration. The subject had been previously brought to the notice of this department by her Britannic Majesty's minister here, Holmes being claimed as a British subject. Thereupon a naval court of inquiry in regard to the matter was convened at Aspinwall. The result of whose investigation is contained in the paper * herewith transmitted. From this it appears that Holmes attempted to trespass upon the pier, which the marine was posted to guard, stores for the use of the James Adger being there for shipment on board of her. In this attempt he was opposed by the marine, whom he attacked with a club, which struck and exploded the musket of the marine, resulting in the death of Holmes.

Though no doubt is entertained as to the substantial correctness of this finding, the killing having taken place on Colombian territory was also subject to investigation by the judicial tribunals of that republic, and this government does not sanction the omission to give up the marine for trial by those tribunals. It is to be regretted that he was not so given up, and if the facts of the case had seasonably been known here an order for his delivery would have been issued, if this could have been done properly under the circumstances. At the same time he remains subject to such trial whenever he may be found within the jurisdiction of the United States of Colombia.

I avail myself of this occasion, general, to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

General EUSTORJIO SALGAR, &c., &c., &c.

N. B.—This report of the court of inquiry, herein referred to, has, as General Salgar will be pleased to remember, on a former occasion been furnished to him.

Mr. Seward to General Salgar.

DEPARTMENT OF STATE,

Washington, November 23, 1866.

SIR: On the 16th of March last you were pleased to address a memorandum containing certain propositions with regard to the survey of the isthmus of

* For this enclosure see correspondence with the British legation.

Panama, in which you stipulated, on the receipt of a reply to the memorandum from this government, to submit the same "promptly to your government, that confirmatory action may be taken thereon by the present Colombian congress, thus expediting the enterprise."

The department replied in a note of the 19th of March, consenting to the propositions contained in the memorandum, subject, of course, to the necessary constitutional approval. We have failed, however, to receive any information as to whether any or what action has been taken in the premises by the congress of Colombia, and I address myself to you for the purpose of soliciting such information, if within your power.

I avail myself of this occasion, general, to offer to you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Señor General EUSTORJIO SALGAR, &c., &c., &c.

Mr. Salgar to Mr. Seward.

[Translation.]

LEGATION OF THE UNITED STATES OF COLOMBIA,
New York, November 26, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, in which you are pleased to ask me for information about the resolution which the government of Colombia may have taken in respect of the memorandum which I presented to your excellency on the 16th of March last, containing certain propositions relative to a survey of the isthmus of Panama, which were accepted by your government, subject to ulterior constitutional approval, and I hasten to reply.

As I promised in the memorandum itself, it was sent to the government of Colombia by the packet next after the 19th of March, at which date you were pleased to communicate to me your acceptance through a private channel. I have since learned that it reached Bogota when congress was still assembled, and that its receipt had contributed to prevent approval of a previous contract made by the President for the excavation of a canal across said isthmus; but an official reply, and, what is more, a report upon the final determination of my government, have not been given to me up to this time, or at least such has not reached the legation; such marked delay causing me as much surprise as you doubtless have felt, besides the sincere regret not to be able now even to satisfy completely your inquiry.

I can no otherwise explain this delay than by attributing it to some accident to the mail in transit, or that the change in the personality of the executive administration which took place in May last may have produced some confusion, because it is one of the decided purposes of my government to attend with solicitous care to every business connected with that of the United States of America.

With the view of obtaining the reports above mentioned, I addressed the government, now about two months since, a note claiming from them and calling their attention to this lamentable delay; so that I hope with good ground to receive them by the steamer which ought to arrive from Aspinwall the 9th of the coming month, and if it should so happen will immediately transmit them to you.

I avail of this occasion to renew to your excellency the assurances of my most distinguished consideration.

EUSTORJIO SALGAR.

His Excellency WILLIAM H. SEWARD, &c., &c., &c.

